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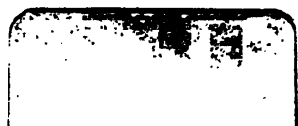
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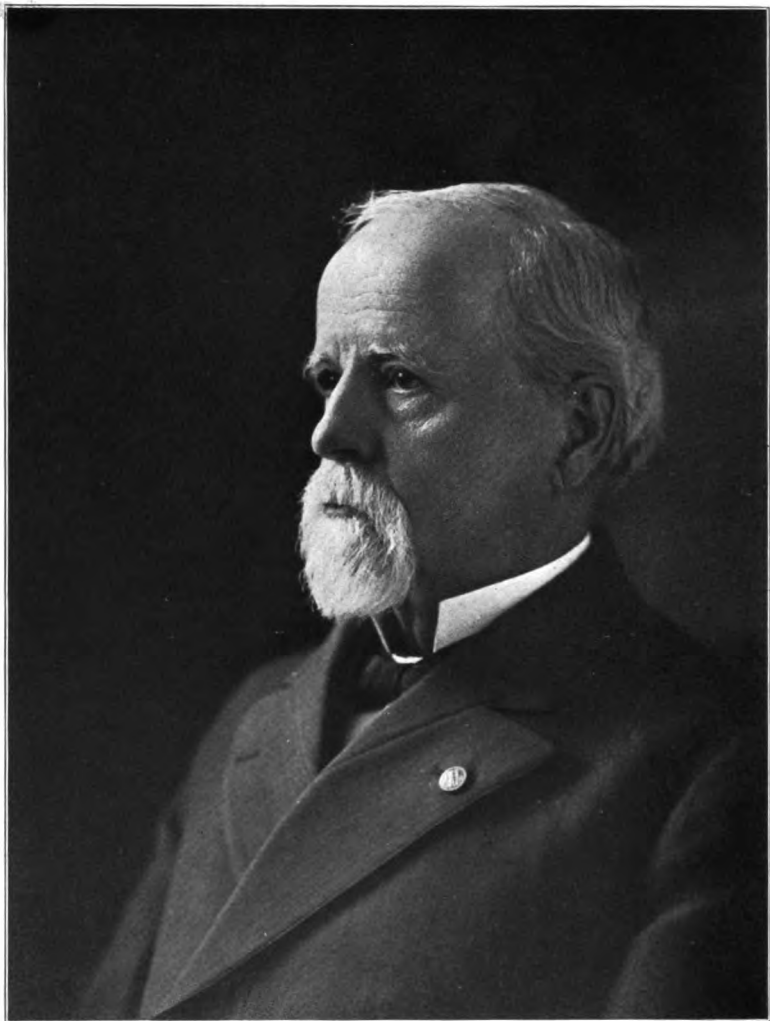
PROCEEDINGS OF THE IOWA STATE BAR ASSOCIATION

TWENTIETH
ANNUAL
SESSION

INDEX VOLS. XVI—XX

HELD AT BURLINGTON, IOWA

JUNE 25 AND 26, 1914



Yours Truly

John F. Lacey

PROCEEDINGS
OF THE
TWENTIETH ANNUAL SESSION
OF THE
IOWA STATE BAR ASSOCIATION
HELD AT
BURLINGTON, IOWA
JUNE 25 AND 26, 1914

EDITED BY H. C. HORACK, SECRETARY

IOWA CITY, IOWA
PUBLISHED BY THE ASSOCIATION
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[Announcement]

**THE TWENTY-FIRST ANNUAL MEETING
OF THE
IOWA STATE BAR ASSOCIATION
WILL BE HELD AT
FORT DODGE, IOWA
JUNE 24 AND 25, 1915**

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PROCEEDINGS OF THE
TWENTIETH ANNUAL MEETING
OF
THE IOWA STATE BAR ASSOCIATION

HELD AT
BURLINGTON, IOWA, JUNE 25 AND 26, 1914.

OPENING SESSION, THURSDAY, JUNE 25, 1914

9:30 O'CLOCK, A. M.

THE PRESIDENT: Gentlemen, the time has arrived for the opening of the Twentieth Annual Meeting of the Iowa State Bar Association, and we will now come to order.

We will listen to the invocation by the Rev. Naboth Osborne, of Burlington.

DIVINE INVOCATION

Lord, Thou art our dwelling place in all generations. We acknowledge Thee as the giver of every good and perfect gift. Truth, love, and justice are written in Thy name. We thank Thee for the joys of life. We thank Thee for our work and for the satisfaction it gives us when it is accomplished. We pray Thy spirit upon these men gathered together here this morning to consider the interests relating to their profession. Grant to them the spirit of sincerity, love, righteousness, and truth. Let Thy Divine blessings rest upon the members of this Association in their deliberations. Bless our Nation and be with our President and guide him. Bless all men whom we have chosen to represent us in their various offices. May they do their work wisely. May they understand true service, which is always uplifting. We ask it in our Savior's name. Amen.

THE PRESIDENT: On behalf of the city of Burlington and the local Bar, the Address of Welcome will now be delivered by the Hon. W. E. Blake, President of the Des Moines County Bar Association.

ADDRESS OF WELCOME

Gentlemen of the Iowa State Bar Association and other visitors present: It is my most sincere pleasure, on behalf of the lawyers of the city of Burlington, and on behalf of the citizens of this goodly city, to welcome you.

In gathering for this convention in this city, you are coming to a locality that is not without interest, historical and legal. Our soil is historically a part of the Louisiana Purchase, that good land trade made by the United States with the great Napoleon when he was somewhat needy. Over the border, across our great river boundary lies the Northwest Territory, of which, in due time, for governmental purpose we became a part—once a part of Michigan, later a part of Wisconsin, and still later, the Territory and State of Iowa.

Locally, we have in our midst some objects of interest, particularly to lawyers. From the top of the high bluff about two miles south in Crapo Park, you will find a boulder commemorative of the first unfurling of the Stars and Stripes, on that particular site, by Lieutenant Zebulon Pike, son of a Revolutionary hero, who landed there about August 25, 1805. Near by you will find the famous Black Hawk spring from which the old chief himself often quenched his thirst; and only one short block distant from where we now are, you will find a bronze tablet indicating that Burlington was once the Territorial Capital, and that in a building on the site which the tablet now marks, laws were enacted in the day time, and we are credibly informed that Indian war dances occurred in the night time, and Divine services were held on Sunday. Those who claim to know, assure us, in early days, the noted and notorious Jefferson Davis with a company of dragoons came down from a fort near Rock Island and drove early pioneers eastward across the river and burned their houses, leaving only ashes and desolation behind him. After you have viewed where the laws were enacted,

we can, if you desire, then show you the site where the laws were enforced, and the Hodges were hung.

The interesting part, however, of the visit to a neighbor does not consist entirely or principally in the brick and mortar which you see, nor the bronze tablet which he helps you to find and decipher, but it does consist in the heartiness and kindliness of your welcome when he greets you. So, I am here to-day to tell you, Gentlemen of the Bar of Iowa, and other visitors, that our hearts, as well as our homes, are wide open. It is the business of the lawyers of Burlington to make your visit with us one of pleasure to you, and to aid you, every moment of your stay with us, in getting the most out of it; and it is our business, as well as our pleasure, to make you have sincere regret that your stay with us will be soon over, and may you all have a pleasant time and may the pleasure and the profit of this Convention long linger with you and with us.

THE PRESIDENT: The response on behalf of the Association will now be given by Judge Jesse A. Miller, of Des Moines.

RESPONSE TO ADDRESS OF WELCOME

Mr. Chairman and Fellow Members of the Bar: It was said by Mohamet, if the mountain would not come to him, he would go to the mountain. So, we, the members of the State Bar Association, have come to the Bar of Burlington.

The Bar of Burlington has among its members some very able men, but they have been so busy, so occupied with their litigation that they have not had the time to attend the State Bar meetings in recent years. We trust, however, that the members of the Bar of Burlington will become so enthused at this meeting of the State Bar Association that in the future they will always have a goodly number at our State meetings.

The original Iowa State Bar Association was organized some forty years ago; it was organized at Des Moines, I think, in 1874. At that time the members of the Burlington Bar did take an active part in the meetings of the Association. Among the members of the Association, and among those who took an active part in the management of the State Bar Association, we find the

names of Judge Charles H. Phelps, Judge David Rorer, B. J. Hall, P. Henry Smyth; and also among those we have with us today may be mentioned, W. W. Baldwin, Thomas Hedge, and W. E. Blake. There were others who were members of the Iowa State Bar Association at that time and who took an active part in the proceedings. In those days, I assume the members of the Bar of Burlington were not as busy as they are today; but notwithstanding their pressing business, we want the members of the Bar of Burlington to become interested in this Association.

The original Bar Association continued until the early eighties, and then for a period of some years no meetings were held, and this Association was reorganized twenty years ago. Since that time certain members of the Burlington Bar have attended the meetings and have been active in the Association, among whom I might mention E. S. Houston and Senator Harper, and there may have been others. But the members of the local Bar have not taken the part that we have wished they would, and it is desired that the Burlington Bar become more closely associated with the State Bar.

There have been able lawyers in Burlington, as able as anywhere in the State. Some of us throughout the State have been puzzled at times to understand some of the cases that have arisen in this city. I recall a case, back a number of years ago, thirty or thirty-five years ago, reported in the 49th Iowa. It is the case of *Moore vs. The City of Burlington*. A suit was brought by a man who was injured on Valley Street. The facts, as set out in the opinion, show that this man was walking along Valley Street one night—a dark night, and came to what he supposed to be steps in the sidewalk—you know Burlington is noted for its hills. In times of old it was said that Rome sat upon her seven hills and from her throne of beauty ruled the world. But the people of Burlington can today well say of Burlington that she sits upon her seven times seven hills and from her throne on high, she views the universe.

In the early days, as you went along the street, you would, all over the city, walk up steps like stair steps. This case I refer to recites that the pedestrian was walking along the street

one night and came to what he supposed to be steps, but it was in fact nothing but a pile of lumber, and the opinion of the Supreme Court says it was piled in the form of steps. He walked up what he supposed to be the steps and he fell down on the other side into a creek. He sued the city of Burlington and he recovered \$2500. The Supreme Court in affirming the decision, held, that among other defenses, it was not negligence, contributory negligence on the part of the pedestrian, to hurry along a street at night, especially if a storm is imminent, and the Court also laid down the rule that it is not negligence, as a matter of law, to go upon the streets of Burlington at night without a lighted lantern.

So, I want to say to my fellow members of the bar, as you travel the streets of Burlington at night—while I see these hills have been graded and leveled down a great deal, and the sidewalks now run on an incline where the steps formerly appeared—that you are not guilty of contributory negligence if you walk upon the streets without a lighted lantern.

The members of the Association accept and while here will enjoy the hospitality so kindly offered and tendered by our good friend Blake. The visiting members of the Bar are here for the good they can get out of this meeting of the Association. They are also here for the pleasure of the companionship with one another and the enjoyment of a little vacation. This is a place where they receive new energy and new ambition ere entering upon another year's work.

On the part of the Iowa State Bar Association, we thank Mr. Blake, and through him, the Bar of Burlington, and the citizens of Burlington, for their invitation and for the many kindnesses which they have extended to the members of this Association.

THE PRESIDENT: The next business on the program is the reports of Standing Committees.

Before beginning that business, however, I want to make two or three announcements. The Local Entertainment Committee announces that the elevator at the north entrance of the Iowa State Bank, which is two blocks north of the Burlington Hotel, will be operated for the entertainment of members of the Asso-

ciation. From the top of that building a grand view can be obtained of these glorious hills, the city and the river. The committee wants us to know that we are welcome to make use of that opportunity at any time.

I am asked to make another announcement, and that is, the members of the Phi Delta Phi Fraternity are invited to a luncheon at the Burlington Hotel, to-morrow at 12:30. It is desired that those who intend to attend give notice thereof to Mr. Carl Riepe, who is at the door here.

I wish also to announce that the banquet this evening at 7 o'clock will be held at the Elks Hall, two blocks north of the Hotel Burlington. It is desired that all who attend will obtain their tickets from Mr. Riepe, so that it can be known by noon to-day as to how many will attend.

The first report to be made is that of the Committee on Membership by Senator LaMonte Cowles of Burlington.

REPORT OF THE COMMITTEE ON MEMBERSHIP

In the first place I desire to express my appreciation of the work of the other members of this committee and the aid we have received from our efficient Secretary. In behalf of the Membership Committee I wish to present the names of seventy-eight attorneys and recommend their election to membership in this Association. The following is the list:

Adams, Henry L.	Des Moines	Erwin, Sam H.	Wapello
Andre, Dale B.	Burlington	Farwell, F. E.	Waverly
Baker, D. G.	Boone	Ferson, M. L.	Iowa City
Baldwin, W. W.	Burlington	Flickinger, Reed A.	Council Bluffs
Bartlett, H. M.	Muscatine	Fry, H. E.	Boone
Benbow, John L.	Fort Madison	Galer, R. S.	Mt. Pleasant
Bihlmeier, F. L.	Muscatine	Hamiel, I. J.	Tipton
Briggs, Chas. W.	Wapello	Hanson, Clarence M.	Fort Dodge
Carpenter, C. A.	Columbus Jct.	Hausberg, Ernest	Charles City
Carr, Hubert	Manchester	Helmer, Chas. C.	Carroll
Carroll, E. J.	Davenport	Helsell, Chas. A.	Fort Dodge
Carter, Memnon J.	Ossian	Heminger, Amos L.	Keosauqua
Cooney, M. D.	Dubuque	Hemmingway, Max	Fort Dodge
Donegan, M. F.	Davenport	Henderson, O. J.	Webster City
Douglass, I. W.	Maxwell	Heninger, Chas. C.	Sigourney
Eaton, W. D.	Burlington	Herrick, M. W.	Monticello

Hollingsworth, Frank	Boone	Perry, T. B.	Albia
Howell, C. F.	Centerville	Pizey, Alfred	Sioux City
Joyce, M. M.	Fort Dodge	Preston, W. A.	Elkader
Kamrar, J. L.	Webster City	Riepe, Carl C.	Burlington
Kerr, William G.	Grundy Center	Roadifer, H. H.	Logan
Knox, Carl P.	Stuart	Sachs, Jacob	Des Moines
Korf, H. C.	Newton	Sloan, H. B.	Keosauqua
Kuhlemeier, H. F.	Burlington	Snyder, Chas. L.	Des Moines
Lacey, W. B.	Oskaloosa	Springer, W. J.	New Hampton
Lake, John E.	Grinnell	Sullivan, E. J.	Marengo
Lane, Wilfred Clary	Des Moines	Tankersley, B. O.	Marshalltown
Laton, H. W.	Des Moines	Taylor, C. H.	Guthrie Center
McCall, Edward M.	Nevada	Thoma, Leo D.	Fairfield
Maher, Frank	Fort Dodge	Thomas, Seth	Fort Dodge
Mercer, John M.	Burlington	Thompson, John L.	Des Moines
Miller, Archer C.	Keokuk	Timberman, William	Keokuk
Miller, Justus A.	Cherokee	Tomlinson, Guy J.	Morning Sun
Mitchell, J. C.	Ottumwa	Treichler, William E.	Cedar Rapids
Mitchell, M. J.	Fort Dodge	Wieben, E. E.	Dysart
O'Brien, Maxwell	Oskaloosa	Wilson, G. M.	Mt. Vernon
Olsen, F. B.	Iowa City	Williamson, Ralph C.	Davenport
Palmer, Luke	Burlington	Williamson, W. M.	Indianola
Peck, J. L. E.	Primghar	Yeaton, A. L.	Akron

THE PRESIDENT: What will the Association do with the report of the Committee on Membership?

Upon motion duly made the report was received and placed on file. Upon a further motion duly made, the persons whose names were read were declared duly elected members of the Association.

THE PRESIDENT: We will next hear the report of the Committee on Uniform Laws by Senator J. L. Carney of Marshalltown.

SENATOR J. L. CARNEY: I am under the impression that Mr. Ely was the chairman of that committee appointed at the last meeting, but I don't think he is here now.

In the short time which I have had an opportunity to examine the subject matter, which is the adoption of a Uniform Sales Act, I have communicated with the other members of the committee, Senator C. G. Saunders, Judge C. S. Bradshaw, of Des Moines, and also Mr. Brown, of Dubuque. I am not sure that

I heard from Mr. Brown. The other members of the committee I heard from. The subject of my inquiry of these gentlemen by correspondence was, as to whether or not it would be best to recommend by this Association to the Legislature the Uniform Sales Act which has been recommended by the Committee on Uniform Laws, and which has been printed, and I beg leave to submit the following report:

REPORT OF COMMITTEE ON UNIFORM LAWS

To the Iowa State Bar Association: Your Committee on Uniform Laws to which has been referred the subject of reporting upon the Uniform Sales Act, beg leave to report:

That said committee has made careful examination of the Uniform Sales Act, prepared and reported by the Commissioners on Uniform State Laws; that said act has been adopted in several States of the Union; that the act itself, appears comprehensive, and as we believe, suited to the need of the people of this State, and we respectfully report:

That in our judgment, the Iowa State Bar Association should by proper report, submit the said act, or cause it to be submitted, to the Iowa State Legislature, at its next session, for adoption.

Respectfully submitted,

J. L. CARNEY,
Chairman.

THE PRESIDENT: What is the pleasure of the meeting with reference to this report?

Upon motion duly made, the report was received and filed.

THE PRESIDENT: Next we have the report of the Committee on Legal Education and Admission to the Bar.

JUSTICE SCOTT M. LADD: The committee is not yet ready to report, but will probably report later during the session.

THE PRESIDENT: Has the Committee on Grievances any matter to report? It seems not, so we will call for the Report of the Committee on Legal Biography, by Mr. C. J. Wilson, of Washington.

REPORT OF COMMITTEE ON LEGAL BIOGRAPHY

To the Iowa State Bar Association:

Your Committee on Legal Biography submits the following:

During the year ending June 1, 1914, twenty-eight deaths have occurred among the lawyers of Iowa, as gathered from reports received from the Clerks of the Courts; and are as follows:

E. F. Brown, Vinton.	Percival Knowles, Webster City.
C. A. Carpenter, Columbus Junction.	John F. Lacey, Oskaloosa.
Charles A. Clark, Cedar Rapids.	Patrick E. C. Lalley, Denison.
Chester C. Cole, Des Moines.	George H. Lewis, Des Moines.
W. W. Dewey, Mount Ayr.	Daniel F. Miller, Jr., Keokuk.
John F. Dillon, New York City.	John A. McCall, Des Moines.
David Evans, Hampton.	Irvin St. Clair Pepper, Muscatine.
John Greiner, Burlington.	John Porter, Eldora.
R. R. Harrison, Toledo.	J. H. Preston, Cedar Rapids.
John H. Hildebrand, Waterloo.	John Shortley, Perry.
John W. Hospers, Orange City.	James H. Taite, Sac City.
Joseph M. Junkin, Red Oak.	Tillmon Todd, Springdale.
Levi Keck, Maquoketa.	Charles Van Vleck, Des Moines.
W. S. Kenworthy, Oskaloosa.	Luman H. Weller, Nashua.

Other years show a greater mortality in number within the Bar of the State, yet in no previous year has the toll of moral worth, legal attainment, and exemplary citizenship been heavier than that of the year just ended.

Brief, and in many instances imperfect, sketches of our deceased brothers, except of Mr. R. R. Harrison of Toledo, are attached to and made a part of this report. We regret that as to him no data was obtainable from which the briefest outline of his life could be given.

The committee is under obligations to Mr. James C. Davis for the sketch on Mr. Daniel F. Miller, Jr.; to Mr. J. F. Devitt for the sketch on Hon. Irvin St. Clair Pepper; to Judge Hale for the sketch on Senator C. A. Carpenter; and to Mr. B. L. Wick for sketch on Colonel Clark, and to these gentlemen we acknowledge our indebtedness and appreciation.

It is also a pleasure to state that the Clerks of the Courts and members of the Bar throughout the State, almost without exception, promptly and courteously responded to the demands

made upon their time and patience for assistance in securing data for the use of the committee in preparing this report; and to them the committee is deeply indebted for valuable assistance.

Your committee realizes, and each of you should realize, the impossibility of the Committee on Legal Biography or even any one of its members having even an acquaintance with many members of the Bar of the great State of Iowa, and the impracticability of submitting in its annual report proper an appropriate expression of appreciation of the lives of many of the members of the Iowa Bar who have been called each year from active practice at this Bar to their last home.

No one who has not had personal acquaintance and knowledge of the deceased, no one who cannot think of him as one whom "he has loved and lost awhile", can draw a pen picture which is an expression of appreciation such as his life and worth to the community in which he has lived and labored in his profession, entitle him in the records of this Association.

Therefore your committee has called upon several members of the Association for assistance; and we suggest to the members of the Association that, when a member of your local Bar departs this life, you or some officer of your County Association designated, who knew him intimately and well as a brother at your own Bar, send a sketch of his life to the chairman of this committee.

If we may have this assistance the records of this Association will hereafter contain faithful and true pictures of the lives and achievements of deceased members of the Iowa Bar.

We leave the suggestion with you for your consideration, with the hope that in the future a member of each local Bar will see to it that a short and true record of the lives of those deceased members be furnished the Committee on Legal Biography; and thus a truthful and fair record of the life and activities of the deceased may be perpetuated.

Respectfully submitted,

C. J. WILSON,

J. H. HENDERSON,

W. R. LEWIS,

Committee.

E. F. BROWN; 1866-1914

E. F. Brown was born in Maquoketa, Iowa, July 26, 1866, and died at his home in Vinton, Iowa, March 5, 1914.

In early life, with his father's family he moved to Jefferson, Iowa, and there received his elementary education. He graduated from the State University of Iowa with the class of 1887. Returning to Jefferson he studied law in the office of Judge Church and in the office of Howard & Rose. Upon the completion of his reading he moved to Kearney, Nebraska, passed his examination for admission to the Bar before the Supreme Court of that State; and immediately entered the practice with his brother, Ex-Senator Norris Brown, a leading attorney of Nebraska. While a resident of Kearney he filled the position of Police Judge of that city, and later was elected and served one term as County Judge for Buffalo County, Nebraska.

In 1901 Judge Brown moved to Vinton and became the law partner of his father-in-law, Judge G. M. Gilchrist, and the late Senator W. P. Whipple. After Mr. Gilchrist's retirement from the firm, the business was conducted in the name of Whipple & Brown; and upon the death of Senator Whipple, Mr. Mossman associated himself with Mr. Brown under the firm name of Brown & Mossman.

Judge Brown served Vinton County four years as County Attorney, with marked ability and fidelity. The *Vinton Eagle*, in noting the death of this upright man and esteemed citizen, says: "He was a man of fine mind; of fine attainment; of unblemished character; an ideal lawyer; an ideal citizen, and an ideal friend. He held strict lines from a moral standpoint; was a staunch church member. He shunned rather than sought trouble, but was always firm in his decisions."

Judge Brown was married in Vinton, Iowa, in 1889, to Miss Ethelwyn Gilchrist. She, with two children, Elwyn and Merle, survive him.

CHARLES ALBERT CARPENTER; 1864-1913

Born in Louisa County, January 12, 1864; died in Columbus Junction, Iowa, October 5, 1913. Educated in the public schools of his county, at Iowa City Academy, and at the State University,

where he completed the law course at the age of twenty, and at the age of twenty-one was admitted to the Bar, and began practice at Columbus Junction, where he resided continuously up to the time of his death. In 1885 he was married to Grace E. Wolverton, at Iowa City, and she with three of their four children, Mrs. Mary Fitzsimmons, C. A. Jr., and William, survive him. He filled several political offices, was City Attorney, member of the Board of Education, Mayor, a delegate to the National Republican Convention in 1904, and Senator from the Muscatine-Louisa district in the Twenty-fifth and Twenty-sixth General Assemblies, in which he took a leading position, being member of the Sifting Committee in the first session, and in the Twenty-sixth General Assembly he was chairman of the committee on Code Revision which prepared and submitted the draft of the Code of 1897.

It was in his chosen profession, however, that Mr. Carpenter attained his highest distinction. He was by choice a country lawyer, several times refusing flattering offers to remove to a larger field. He believed that in his own town was his place of greatest usefulness, and in the service of his clients he practically sacrificed himself to the needs of his community. He was a lawyer of unusual ability, especially in the arrangement and presentation of fact propositions, either to the court or jury, and his early death is deplored by his associates in the legal profession.

In every relation of life Albert Carpenter lived up to his highest conception of duty, and he passed into the hereafter in the full strength and vigor of a well ordered life teeming with promise of future and greater usefulness.

CHARLES A. CLARK; 1841-1913

Charles A. Clark was born in Sangerville, Maine, January 25, 1841, and died at Cedar Rapids, Iowa, December 22, 1913. He came from old New England stock. His father was William G. Clark, a lawyer of more or less prominence in the State. His mother was Elizabeth Stevens, a well educated woman, a lover of books, and well known in her native State of Maine.

Charles A. Clark was the third of eleven children. Four

of eight sons entered the Union Army; two of them losing their lives in the War, and the other two being wounded. Colonel Clark enlisted in the Sixth Maine as a private and remained with his regiment until about the close of the War. Congress awarded him a gold medal for gallant service in battle.

After the close of the war, Colonel Clark studied law, removed to Fulton, Illinois, and was admitted to practice law at Andrew, Jackson County, in 1866, by N. M. Hubbard who afterward became his law partner. He began the practice of law at Webster City, and while there he became known as a lawyer of ability and prominence. He became interested in land title cases, in damage suits, and in many important litigations which were carried up to the Iowa Supreme Court and into the Federal Courts as well. It was while contesting the condemnation proceedings for yards at Ames, that Colonel Clark first opposed Judge Hubbard. This was a long drawn out case and the result was that, after the conclusion of this hotly contested suit, Colonel Clark removed to Cedar Rapids and became a partner of Judge Hubbard in 1876. He was also a member of the firm of Hubbard, Clark & Deacon; and later retired from the firm and practiced alone. At the time of his death he was associated with his son, Atherton B. Clark.

In Cedar Rapids Colonel Clark was for many years the leading lawyer. He was chief counsel in the Bever will case, involving three-fourths million dollars; in the Cedar Rapids Water Company litigation; and in the American Emigrant Company cases which he conducted through a series of years with skill and wonderful success. G. E. Clark, who died some years ago in Algona, was a brother. The only survivor is Wm. G. Clark, another brother, in the practice of law in Cedar Rapids.

Colonel Clark used to say that he expected to become a poet but want made him a lawyer. Much of his ability as a writer was no doubt inherited from his mother's family. He wrote a number of poems which show a gift in this direction. "John Gray", a poem of his youth about a bunk-mate killed in battle, brings out much feeling and grief over the loss of his boyhood companion. The poem "Iowa" will no doubt become in time

one of the best known poems about our State—on a par with “My Maryland”.

A poem written some years ago, after the loss of a favorite son, shows again much feeling, it being written in the most perfect English and displaying in parts the keen insight into human life, and how suffering should be borne.

Colonel Clark was a Republican till the Greeley campaign, and was a Democrat till the McKinley campaign, when he returned to the Republican fold. He was a candidate for Judge on the Republican ticket after the McKinley campaign, but was defeated for the nomination.

Colonel Clark was a powerful advocate, and by his wit and pathos could interest juries as well as courts. He knew better than any one just what the law should be. He was a born lawyer, and a descendant of a long line of well-known members of the New England Bar.

CHESTER CICERO COLE; 1824–1913

Chester Cicero Cole was born in Oxford, Chenango County, New York, June 24, 1824; he died at Des Moines, October 4, 1913. He attended the public schools and academy at Oxford until thirteen years of age and then for five years acted as clerk in a store. He read law in the office of Judge Balcom, entered Harvard Law School at the age of twenty-one and completed the course in 1848. He removed to Marion, Kentucky, was admitted to the bar of Crittenden County and during his stay of nine years gained a high reputation in criminal law. In 1857 he located in Des Moines where he maintained his residence until his death. In 1859 he was nominated by the Democratic convention for Associate Justice of the Supreme Court and in 1860 was nominated for Representative in Congress but was defeated by General Samuel R. Curtis. At the outbreak of the Civil War he allied himself with the Union men in support of the Government and left the Democratic party. He gave strong support to the candidacy of William M. Stone for Governor on the Republican ticket. In March, 1864, in recognition of his labor in behalf of the Union, Governor Stone appointed him an Associate Justice of the Supreme Court. He was reelected in October and served on the Supreme Bench for twelve years, acting as Chief Justice in 1870. The degree of LL. D. was conferred upon him by Iowa College at Grinnell in that year. In 1876 he resigned from the Bench to resume the practice of law. With Judge George G. Wright, his Court associate, he organized the Iowa Law School at Des Moines, which, in 1868, was merged with the Law Department of the State University of Iowa, Judge Wright and Judge Cole remaining the law lecturers. Judge Cole continued this

service for ten years. At the expiration of that service he founded the Iowa College of Law at Des Moines of which he became Dean. It was associated with Drake University in 1881. In 1907 he received from the Carnegie Foundation an allowance of \$1,280.00 a year in recognition of his forty-two years service as a teacher of law. He retired from teaching at the age of eighty-three years and was made Dean Emeritus of Drake University. He continued his law practice until he was eighty-seven years of age.

The above is a concise and condensed statement of the life work of this remarkable man, a life replete with diligence, incessant application, constant labor, and filled to overflowing with achievement. By nature endowed with a rugged constitution and a brilliant mind, the former he conserved by living a clean and active life; the latter he enriched by well-directed study and exhaustive reading. And so it is we find Judge Cole in the active practice of the law at the ripe age of eighty-seven years; and for two years more he enjoyed the society of his family, associates and friends, when at the age of eighty-nine, after a brief illness, he peacefully passed into the unknown.

On the 25th of June, 1848, Judge Cole was married to Miss Amanda M. Bennett. Seven children have been born unto them: Calvin S. and William Watson, both deceased; Gertrude A., the wife of A. C. Atherton of Des Moines; Mary E., widow of D. C. MacMartin, late of Des Moines; Chester C., who died in infancy; and Carrie S., widow of J. R. Hurlburt.

While the years are not the same, we can properly quote what the poet said in noticing the death of Judge Cole's grandfather:

Of no distemper, of no blast he died,
But fell like autumn fruit that mellowed long;
E'en wondered at, because he falls no sooner.
Fate seemed to wind him up for four score years,
Yet freshly ran he on, twelve winters more,
Till like a clock worn out with beating time
The wheels of weary life at last stood still.

Judge Cole was a gentleman of the old school; gentle, affable, kindly, and courtly. As a lawyer he was able, industrious, and forceful; a wise counsellor, and a successful advocate. As a jurist he was learned in the law, painstaking in his investigation of the facts, clear and lucid in his enunciation of legal principles. As an instructor he was conscientious and thorough,

possessing the rare faculty of imparting his knowledge of the law and impressing his courteous manner upon his students.

W. W. DEWEY; 1838-1914

W. W. Dewey was born February 7, 1838, and died in the Soldiers' Home at Marshalltown, Iowa, January 19, 1914. Mr. Dewey enlisted as a Private in Company "F," First Iowa Infantry; was discharged from the service at St. Louis, Missouri, August 20, 1861.

The committee have been unable to secure any information relative to the professional career of Mr. Dewey; and in a letter from Colonel Horton, Commandant at the Soldiers' Home, he says: "I cannot give you a history of his life, but he served in the 'First Iowa' and that was glory enough, as they set a record for the rest of us to follow." And this sentiment has our hearty approval and cordial endorsement.

JOHN FOREST DILLON; 1831-1914

John Forest Dillon was born in Washington County, New York, December 25, 1831; moving to Davenport, Iowa, with his parents in 1838.

During his childhood he attended a private school, and at the age of seventeen years commenced the study of medicine in the office of Egbert S. Barrows, the leading physician of Davenport. He attended two terms of medical lectures at the Keokuk Medical College, graduating therefrom at the age of twenty-one years. After a few months devoted to the practice, and finding that the practice of medicine was unsuited to his tastes, he commenced the study of law in the office occupied by him as a physician; and in 1852 was admitted to the Bar of Scott County and at once actively engaged in the practice of the law, being within the year elected Prosecuting Attorney of the county.

In 1858 he was elected Judge of the Seventh Judicial District of Iowa, then composed of the counties of Scott, Muscatine, Jackson and Clinton, serving as Judge of the District Court with signal ability until his elevation to the Supreme Bench of the State. Very shortly after his election as Judge he began a close and discriminating study of the decisions of the Supreme

Court of Iowa reported at that time, resulting in the preparation by the Judge and publication of "A Digest of the Decisions of the Supreme Court of Iowa".

In 1863 Judge Dillon was elected Judge of the Supreme Court of the State, assuming the duties of this position January 1, 1864; which position he adorned with signal ability and fidelity. He was reelected in 1869 for another term of six years. His associates on the Supreme Bench were Caleb Baldwin, Geo. G. Wright, Ralph P. Lowe, Chester C. Cole, and Joseph M. Beck. Before entering upon the discharge of the duties of the second term, and while Chief Justice of the Supreme Court, he was nominated by President Grant, and confirmed by the Senate, as United States Circuit Judge for the Eighth Judicial District, embracing the States of Minnesota, Iowa, Nebraska, Missouri, Kansas, Arkansas and Colorado; filling this position with marked fidelity and to the entire approbation of the Department of Justice.

He resigned his position on the Federal Bench in 1879, to accept the Professorship of Real Estate and Equity Jurisprudence at the Columbia University; and became General Counsel for the Union Pacific Railway, and more recently General Counsel for the Western Union Telegraph Company. He was later Storrs Professor at Yale; and until this day is recognized as the leading authority on municipal corporations in America.

Judge Dillon assisted and was largely instrumental in establishing the *Central Law Journal*, supervising the early numbers and contributing much, if not the greater part, of the material appearing therein. He was a writer of first rank on legal topics, and was much sought after as a speaker on subjects and occasions wherein the profession was interested. Among the productions of this distinguished jurist are the following: "Digest of the Decisions of the Supreme Court of Iowa" from 1839 to 1860; "Cases Determined in the United States Circuit Courts for the Eighth Circuit"; "Treatise on the Law of Municipal Corporations"; "Removal of Causes from State to Federal Courts"; "Municipal Bonds"; "Proportional Representation: a Means for the Improvement of Municipal Governments" (this

was written in collaboration with Simon Sterne, the noted specialist of New York); "Laws and Jurisprudence of England and America; a Series of Lectures delivered before the Students of Yale University in 1894."

Of his addresses, the following are perhaps of the most prominence: "The Murder of President McKinley"; "Inns of Court and Westminster Hall"; "American Institutions and Laws"; "A Century of American Law"; and "Uncertainty in Our Laws."

Judge Dillon was married November 10, 1853, to Miss Anna Price, daughter of Hiram Price, one of the most prominent men in Davenport history. Four children were born to this union: Hiram P., for many years Master in Chancery at Topeka, Kansas; John M., who was associated with his father in the practice of law at New York City; Mrs. Susie Warriner; and a younger daughter who, with the mother, was drowned July 4, 1898, in the wreck of the ill-fated French steamer "Burgoyne" which went down off the coast of Newfoundland.

Judge Dillon has never been a politician, and has never been a candidate for partisan office; was always a true citizen with firm convictions of political duty which he was always willing to perform. He was affiliated with the Republican party, but was too broad and too patriotic to be a partisan. We take the liberty of closing this imperfect sketch of one of Iowa's greatest sons, by quoting Judge Waterman's reply to an inquiry made before Judge Dillon's death, requesting an estimate of his former fellow-townsmen and friend:

It shows something of the esteem in which Judge Dillon is held by the people of this, his former home, that they still regard him as a fellow citizen and make appeals to him for advice and assistance in local matters, the same as though his interests as well as his affections were still here. And be it said, these appeals are never made in vain.

Many men have gone out into the world from Davenport, of whose careers we are justly proud. But it may be said, without any reflection on others, that of none are we so proud as of him.

His achievements have been really wonderful. Every lawyer knows how difficult it is to gain distinction in any single department of the profession, at the Bar, on the Bench or in the line of legal authorship. Judge Dillon is eminent in all. Doubtless he will be best known and longest remembered as an author, although his work at the Bar and on the Bench has been of the highest character.

The practicing lawyer, at best, has but a narrow and transitory fame. A Judge, however eminent, is usually not long remembered after he has passed away. The few exceptions which may be found to this rule, but serve to prove it. But in his work on Municipal Corporations, Judge Dillon has built for himself a lasting and splendid monument, which will perpetuate his name and fame among his professional brethren.

DAVID EVANS; 1858-1913

David Evans was born April 10, 1858; was admitted to the Bar in 1891; and died at Hampton, Iowa, September 14, 1913.

Mr. Evans was a thoroughly honest man, modest, tender and unassuming; with a reserve stability and force not apparent to the casual acquaintance. He was a man of large physical, mental, and spiritual power; and had he been so inclined, could easily have forced his leadership upon those with whom he came in contact, but in all matters personal to himself he was non-assertive and retiring.

As a lawyer he was learned, industrious, earnest, and faithful to the interests of his clients, and true to the traditions of the profession. In the trial of causes he was aggressive and forceful, and in counsel he was safe and conservative. As an associate and friend he was cautious, considerate, frank, and tender; and enjoyed the confidence and esteem of his fellows.

JOHN GREINER; 1832-1913

John Greiner was born in Wurtemberg, Germany, June 28, 1832; and died at his home in Burlington, Iowa, August 19, 1913.

He came to the United States in January, 1854; and the following year he settled in Burlington, Iowa. Mr. Greiner followed the vocation of blacksmith and keeping store. During the evenings while thus employed, he read law and was admitted to the Bar of Des Moines County. Opening an office in Burlington he practiced his profession, with insurance and real estate as side lines. He represented his ward in the City Council for four years, and for a time was President of the local Board of Education.

Mr. Greiner was married to Barbara Wilhelm in October, 1856. She, with two sons, Edwin and John C., survive him.

Mr. Greiner was essentially self-made, and by close application

and observation accumulated a generous store of information. He was a member of the German M. E. Church for many years; and obtained and held the respect and confidence of all who knew him.

JOHN H. HILDEBRAND; 1874-1913

John H. Hildebrand was born on a farm in Black Hawk County, this State, April 7, 1874; and died at Waterloo, Iowa, June 17, 1913.

In 1898 he graduated from the Waterloo Business College; and took a two years' collegiate course at the State University of Iowa. Entering the Law Department of the State University, he graduated therefrom in 1901.

He was a Spanish-American War Veteran, being a member of Co. "B," 49th Regiment Iowa Volunteer Infantry. Upon his admission to the Bar he formed a copartnership with Hon. Guy A. Feeley under the firm name of Hildebrand & Feeley, which continued until 1905 when Mr. Feeley withdrew from the firm. Mr. Hildebrand continued the practice of law at Waterloo alone until his death. At the time of his death he was Captain of Co. "B," 53rd Regiment, I. N. G.

He was one of the organizers of the Home Building and Loan Association; was a member of the City Council of Waterloo for three terms; and a member of the School Board two terms. As a lawyer he stood in the front rank of the younger members of the Bar of the county. He was absolutely honorable, and true to his convictions; and in every relation in life earnestly endeavored to perform his whole duty.

JOHN W. HOSPERS; 1877-1914

John W. Hospers was born at Pella, Iowa, January 2, 1877; and died at his home in Orange City, Iowa, May 8, 1914.

With his parents he moved to Sioux County in 1880. He obtained his collegiate education at Grinnell College, this State, and graduated from the Law Department of the State University in June, 1901. He engaged in the practice of law at Orange City, and in 1902 formed a partnership in the practice of the law with Mr. Peter D. Van Oosterhout, which continued until his

death. In the fall of 1904 he was elected County Attorney of Sioux County, serving in that capacity from January, 1905, until his death.

Mr. Hospers represented the Eleventh Iowa Congressional District in the Republican National Convention held in Chicago in 1912.

Mr. Hospers was married, in October, 1907, to Mathel Bolks, who alone survives him.

JOSEPH M. JUNKIN; 1852-1913

Joseph M. Junkin was born in Fairfield, Jefferson County, Iowa, April 8, 1852; moving to Red Oak, Iowa, some time in the year 1871; and died at the latter place October 11, 1913.

After receiving his academic education, Senator Junkin graduated from the Law Department of the University of Iowa in the class of 1879; and returning to Red Oak, in September of that year, became the law partner of Hon. Horace E. Deemer. This relation continued until January 1, 1889, when Judge Deemer, pursuant to his election the fall before, went upon the District Bench. On Judge Deemer's retirement from the firm, he continued practice alone until 1894, when he became associated with Mr. Ralph Pringle, which association continued until his death.

He served as City Solicitor from 1880 to 1884. Senator Junkin took an active part in public affairs, and in 1895 was elected by the Republican party to represent the Mills-Montgomery District in the State Senate. He served in the Twenty-sixth General Assembly; the extra session of the Twenty-sixth; and in the Twenty-seventh, Twenty-eighth and Twenty-ninth General Assemblies, having been reelected in 1897.

Senator Junkin was married July 11, 1888 at Ames, Iowa to Olivette Chevalier. Two children; a son, Chevalier, and Miss Josephine, with the widow, survive him.

Senator Junkin was an upright and honorable man, a fearless and conscientious Legislator, and an earnest and able advocate and safe counsellor. His summons came without warning, and he passed into the Great Beyond in his office in the discharge of his professional duty.

LEVI KECK; 1830-1914

Levi Keck was born at Greenville, Pennsylvania, June 11, 1830; and died at his home at Maquoketa, Iowa, on March 6, 1914.

Having acquired a good common-school education in the town of his nativity, he came to Iowa in the year 1855, locating at the village of Andrew, where he engaged in teaching school, and the mercantile business in a small way. While employed in teaching school he studied law, and was admitted to the Bar March 27, 1866. Soon after his admission he entered into a partnership with W. L. Redmond, which continued until 1877 when Judge A. J. House purchased the interests of Mr. Redmond in the law and abstract business owned by the firm. This partnership continued until 1892, when Judge House withdrew from the law firm to accept the position of Judge of the District Bench. From the latter date the business was conducted by Mr. Keck and son Frank H. Keck in the firm name of Levi Keck & Son, up to the year 1905 when his son Walter L. Keck entered the firm.

Though not a seeker after official position, he was Mayor of Maquoketa; and County Attorney of Jackson County one term, and declined reelection. Mr. Keck will be remembered by his associates as an honorable man and an honorable public-spirited citizen; a faithful public servant, and sincere and faithful friend.

As a lawyer he was conscientious and painstaking; and as was said of him by the Jackson County Bar: "Mr. Keck's character as a man and lawyer was strong and rugged as the rock-ribbed hills and mountains of his native state".

Mr. Keck was married in February, 1867, to Amelia D. Mann. The widow and three children: Frank H., Walter L., and Lenetta K. Moenck, survive him.

W. S. KENWORTHY; 1840-1913

Hon. W. S. Kenworthy was born May 24, 1840, and died at his home in Oskaloosa, Iowa, July 19, 1913.

Mr. Kenworthy was the oldest member of the Mahaska County Bar, being admitted to the practice in 1865. For forty-eight years he actively practiced his profession. He was an eloquent lawyer, and his appeals to the jury were almost irresistible.

He was a strong, vigorous man of action, and courteous in his relations with brother lawyers. His pleasing personality will be greatly missed among his brethren at the Bar, with whom he labored so long. Mr. Kenworthy was well versed on current events, and was forceful and convincing as a political speaker.

PERCIVAL KNOWLES; ———1914

Percival Knowles died at Webster City, Iowa, February 11, 1914.

He was a member of the Hamilton County Bar of this State for over forty-five years, and for forty years of this period was successively elected a Justice of the Peace. He gave to the duties of this office the full benefit of a mind well stored with legal knowledge, coupled with sound judgment and the determination to mete out equal and even-handed justice to all.

His personal character was above reproach. He was the embodiment of integrity; plain, honest, and manly in every relation in life. The Bar of Hamilton County, in noticing the death of this man, passed resolutions of respect, and therein said: "In the death of Percival Knowles the people of this County have lost a useful and honorable citizen, and a just, upright, and unbiassed Judge; and the members of this Bar have lost a warm and faithful friend".

JOHN FLETCHER LACEY; 1841-1913

John Fletcher Lacey was born in New Martinsville, Virginia, now West Virginia, May 30, 1841; and died from apoplexy at his home in Oskaloosa, Iowa, September 29, 1913.

Major Lacey attended school in Wheeling, Virginia, until he was fourteen years of age, moving to Oskaloosa with his father's family in 1855. His education was continued in the public schools there, but he never went to college. He did better; he began reading law in the office of Samuel A. Rice, a prominent attorney and afterward General in the Federal Army during the War of the Rebellion. But Mr. Lacey's studies were interrupted by the Civil War.

He entered the service of the United States a private and he was mustered out as Assistant Adjutant General, with rank of Major. He enlisted

as a mere lad in 1861, immediately following the first call for volunteers by the President. He was among the very first to respond to the call and was the fifth person to get his name down upon the muster roll. He left Oskaloosa May 30, 1861, at the age of twenty years, to enter the service as a private in Company H of the Third Iowa Infantry, which was made up of volunteers from all parts of the State. It was one of the regiments that sprang into being as if by magic. This regiment was sworn into service at Keokuk, Iowa, in June, 1861, and left the city June 29, and proceeded to Hannibal and Chillicothe, Missouri, where Colonel Nelson G. Williams, of Dubuque County, took command. Mr. Lacey did not long remain in the ranks; he was advanced from place to place as a non-commissioned officer. He was one of 500 picked men who, under Lieutenant Colonel Scott, went to join an effort against the enemy at Liberty, Mo. He proceeded from Cameron, Mo., September 15, 1861, reached Liberty on the morning of the 17th and engaged the enemy at "Blue Mills Landing", Mo., where he was taken prisoner and carried to Lexington. He was later paroled and under order of the President was discharged as a paroled prisoner. An exchange being effected soon after Corporal Lacey reenlisted in Company D, Thirty-third Iowa Infantry, and was mustered in as a private under the command of Colonel Samuel A. Rice, of Oskaloosa. He was made Sergeant Major of the regiment and in May, 1863, was commissioned First Lieutenant of Company C and then gave several months' service as acting Adjutant of the regiment. Upon the promotion of Colonel Rice to the position of Brigadier General, Adjutant Lacey was promoted to a position on the staff of the General and was on duty as a staff officer until the death of General Rice, following the battle of Jenkins Ferry. He was then appointed to the staff of General Steele and later served in the position of Assistant Adjutant General of Volunteers with the rank of Captain, and he remained with the General to the close of the enlistment term, being mustered out of service September 19, 1865, bearing the rank of Brevet Major for gallantry on field of battle at the siege of Mobile, Ala. This special promotion was made at the personal request of General Canby.

But along about this time, the fall of Richmond, General Grant sent an army of about 50,000 men, under General Steele, to make preparation for the expected trouble with Mexico and Major Lacey was called upon to serve as Assistant Adjutant General. He was sent from Brownsville, Texas, then the headquarters of the army of the Rio Grande, to report to the headquarters of General Phil H. Sheridan, commanding the division of the Southwest, at New Orleans. * * * *

* * * * While serving on the staff of General Rice and with him as Colonel of the Thirty-third Regiment, Major Lacey participated in the following engagements: Battle of Helena; the Yazoo Pass expedition; the campaigns against Little Rock and Camden; battle of Terre Noir Creek; Elkins Ford; Prairie d'Anne; Poison Springs, etc., etc. Under General Steele, in the Mobile campaign, Major Lacey participated in the last en-

gagement of the war, the storming of Fort Blakely, opposite Mobile, on April 9, 1865, the day of Lee's surrender.

After the War Major Lacey returned to Oskaloosa and continued his legal studies, was admitted to the Bar, and at once entered upon a large and active practice. Plunging into politics of the Republican sort, he served by turns in the Fifteenth General Assembly, in the City Council, and as City Solicitor. He was Chairman of the State Republican Convention in 1898; and by his exertions he held the Sixth Congressional District in the Republican line. He served sixteen years as a Member of Congress, serving in the 51st, 53rd, 54th, 55th, 56th, 57th, 58th and 59th Congresses; where he held high rank as a legislator. He was a keen observer, had traveled widely at home and abroad; and his knowledge of his country, especially its public lands and forests, was profound. He was a wise reader and a fine and instructive conversationalist. He never talked without careful preparation, thus complimenting his audiences. His addresses were full of pith, streaked here and there with delightful humor; and his manner was earnest, pleasing and convincing, whether with comrades or scholars.

Major Lacey married Miss Mattie Newell of Ohio, September 19, 1865. Mrs. Lacey, with two children, Mrs. Nellie Brewster of California, and Mrs. C. E. Sawyer of Oskaloosa, survive him.

He was President of the State Bar Association of Iowa at the time of his death. He was a law writer, "Lacey's Digest" being among the more prominent works. He was a great lawyer because, joined to great native mother wit, he was a tireless worker. He was an influential legislator because he was a man of force and a thorough student. His life had many facets. He was an apt miscellaneous and special reader, and had a memory so tenacious that he clung to his reading.

Perhaps the key-note to this man's success was his industry. He was a tremendous worker; he knew all about "Uncle Sam's" lands, forests, water-power; and also knew very much about our birds and game, and he caused them to be better protected. While a Member of Congress, in recognition of his services in the setting apart of public parks and the conservation of birds and game, the Daniel Boone Club of New York City paid him the

rare distinction of honorary membership in that club. Because he was such a lifelong worker and student, he was recognized in Congress and out as one of the greatest and most useful men in Iowa; or in the United States, for that matter. As a companion, comrade, and friend, he was tender and true.

Major Lacey was the soul of honor, and exemplified the highest type of American citizenship. He lived to good purpose, he wrought well; and his works do follow him.

PATRICK E. C. LALLY; 1856-1913

Born in the County of Mayo, Ireland, June 8, 1856, he received his education in the parochial schools of his native county; and until he was eighteen years of age worked on his father's farm in the county of his nativity.

In 1874 he came to the United States, for a time living in Chicago and later moving to DeKalb County, Illinois, where he engaged in farm work and teaching school. In 1877 he came to Iowa, settling in Greene County where he labored on the farm, worked on the railroad, and taught school.

He studied law under the tutelage of Hon. J. J. Russell, and was admitted to the Bar in 1880. Mr. Lally engaged in the practice in Vail, Iowa, from his admission to the Bar until his removal to Denison, Iowa, in 1887, where he continued practice alone until 1890, then forming a partnership with Mr. J. P. Connor which continued until his death.

Mr. Lally had the confidence and esteem of the members of the Bar with whom he labored, and the Court before which he practiced; and was rated as a safe counsellor, an able advocate, and a successful and honorable lawyer.

Mr. Lally was married on September 1, 1880, to Miss Kittie Hughes who, with eleven children, survives him. The children are: Margaret E. Mahon, Thomas, Frank H., Genevieve Brannon, Beatrice, Blamid Marie, Inez Clare, Rachel, Mary Alexis, O'Connel L., and Patricia.

GEORGE H. LEWIS; 1842-1913

Born September 6, 1842, in New Britain, Connecticut; died March 17, 1913, in the city of Des Moines, Iowa.

He was left an orphan at an early age, and passed his youth with relatives. His education was obtained in the common schools and local academy.

He enlisted as a Private of Company "F", Fourteenth Connecticut Infantry, in July, 1862; was wounded at the Battle of Antietam, and upon his recovery from this wound he rejoined his regiment; and at the Battle of Fredericksburg was again seriously wounded.

At the close of the war he entered Yale University where he worked his way through college, graduating in the class of 1868 with honors. Upon leaving the University he taught school one year in Bramford, Connecticut, after which he came to Iowa and became Principal of the Grinnell Academy. The Lewis Literary Society at Grinnell is a lasting memorial of his life there. In 1871 he moved to Des Moines and was admitted to the Polk County Bar in October, 1872. He was prominently identified with the organization of the Drake Law School; was a prominent member of the Plymouth Congregational Church, and the Crocker Post, G. A. R. He was Alderman-at-large in Des Moines for the years 1884 and 1885.

Mr. Lewis was cultured, deeply interested in the betterment of the city in which he lived, and keenly alive to all the problems of the day. In the latter days of his life he wrote a book entitled "National Consolidation of Railroads."

JOHN A. MCCALL; 1852-1913

John A. McCall was born in Polk County, Iowa, February 15, 1852; and died in the city of Des Moines in October, 1913.

In 1860 he moved to Nevada, Iowa. He obtained his preparatory legal education in the Law Department of the State University, graduating with the law class of 1872. He entered the practice of the profession at Nevada, and in 1875 moved to Des Moines and engaged in the practice until his death.

Mr. McCall had an active legal mind and was well versed in history and philosophy. His was an especially engaging personality, always courteous, of a retiring disposition; and while he lived an apparently lonely life, his manner gave no token of bitterness or disappointment.

He was an orator of more than average ability; and remained until the end a kindly, scholarly, and polished gentleman.

DANIEL F. MILLER, JR.; 1851-1913

Daniel F. Miller, Jr., was born in Washington Township, Lee County, Iowa, May 27, 1851; and died in Keokuk, Lee County, Iowa, September 20, 1913.

Mr. Miller was a graduate of the State University of Iowa. He was the son and namesake of Hon. Daniel F. Miller, Sr., one of the pioneer lawyers of Iowa who, for many years, was one of the leaders in his profession in southeastern Iowa.

Daniel F. Miller, Jr., lived all of his life in Lee County, Iowa. A few of the early years of his professional career were spent in Fort Madison, but during most of his active business life he was engaged in the practice of his profession at Keokuk, Iowa. His early years were spent in competition with some of the great lawyers of Iowa, who at that time were members of the Lee County Bar; and he always lived up to their high example and the best traditions of the profession.

Mr. Miller was an unusually strong and able trial lawyer, especially in presenting cases to a jury. Few men had his high sense of honor or appreciation of the duties of lawyers in their relation to each other and to the Court. While he was a man of very aggressive temperament, and a strong and forceful advocate, he was punctilious in his respect for the duties which lawyers owe to each other and to the Court. For many years he was always engaged upon one side or the other of all important cases in Lee County, and in his death the Bar of Iowa has lost an able and upright member of the profession.

While Mr. Miller took an active part in public affairs, he never aspired to political preferment; and, outside of holding the position of County Attorney for two terms, held no public office. He was a man who was held in high esteem by his friends; and in his death the profession has lost an able lawyer and the State a worthy citizen.

Mr. Miller was married February 27, 1878, to Miss Lillian Archer of Keokuk, Iowa; and is survived by his wife and four children, two sons and two daughters.

IRVIN ST. CLAIR PEPPER; 1876-1913

Since the last meeting of this Association, Irvin St. Clair Pepper has passed to the Great Beyond. Mr. Pepper was born June 10, 1876, and spent his early life on an Iowa farm. He received the benefit of the splendid public school system of this State, and graduated from the State Normal School in 1897. Soon after, he went to Muscatine County, became principal of the Atalissa High School, and later was principal of the Washington School in the city of Muscatine, Iowa. Subsequently he became the private secretary of Martin J. Wade, then Congressman from the Second Iowa District. This position he held during 1903 to 1905, and in addition to discharging in an eminently satisfactory way the duties of private secretary, he at the same time pursued his studies in the Law Department of the George Washington University; and graduated from that institution as President of his class in 1905. In 1906 he was elected County Attorney of Muscatine County, Iowa; to which position he was reelected in 1908. In 1910 he was the choice of his party for Congress and was elected to that position; and was reelected in 1912.

In his career in Congress Mr. Pepper demonstrated his clear insight into public affairs and his tireless energy in discharging the duties of his office. He returned to Muscatine for a brief visit in November, 1913, and on the 21st of that month he was taken to a hospital in Clinton, where he died December 22, 1913. At the time of his death he was prominently mentioned as the senatorial nominee of his party from this State, and, had he lived, no doubt he would have received that nomination.

Though young in years as a lawyer, Mr. Pepper's brief career had demonstrated there were in him the elements which would have made a great lawyer had he lived his allotted time. Mr. Pepper had a quality of temperament that attracted to him friends; and, because of the sterling integrity of the man, friends once made remained his friends.

JOHN PORTER; 1828-1913

John Porter was born in Washington County, Pennsylvania, April 14, 1828; and died in Boise, Idaho, September 24, 1913. Moving to Ohio with his father's family in 1836 he obtained his

education in the common schools of the vicinity. He studied law in the office of Todd, Huffman & Hutchins in Warren, Ohio, being admitted to the Bar of that State August 7, 1851; and was admitted to practice in the Supreme Court of the United States February 3, 1853.

In 1854 he moved to Plymouth, Indiana, moving to Mason City in November, 1856; and to Eldora in 1859. In 1858 he was elected Judge of the Judicial District which at that time was composed of twelve counties, one of which was Hardin County. He was reelected in 1862; but resigned to actively enter the practice, as a member of the law firm of Porter & Moir. The co-partnership continued until 1882.

About this time Judge Porter became interested in the construction of the C., I. & D. Railway, and was its President until it became a part of the Northwestern System.

Judge Porter was a clean, honest man, a citizen of the highest type, and an honor to the profession. His was a busy, forceful life, replete with sterling worth, energy and self-reliance.

Mr. Porter was married to Miss Marium Stevens at Mesopotamia, Ohio, April 26, 1854.

J. H. PRESTON; 1839-1913

J. H. Preston was born at Benton Center, New York, July 9, 1839, and died at Cedar Rapids, Iowa, July 29, 1913.

He moved from New York to Iowa City with his father, the late Judge Preston, in 1841; and in 1842 the family settled in Marion, Iowa.

Judge Preston received his collegiate education at Mount Vernon, Iowa, and afterwards graduated from a Law School at Cleveland, Ohio, being admitted to the Bar of this State about 1863. He was District Attorney of the old Eighth Judicial District two terms, and served on the Bench of that district for nearly three terms, when he resigned and entered the general practice at Waterloo, Iowa; and there continued in the practice until 1881 when he moved to Cedar Rapids.

He was a good man, a strong lawyer, and an upright Judge. After more than a half century actively spent at the Bar and on the Bench, his co-workers caused to be spread on the records of the Court their estimate of this man in the following words:

Judge Preston was born and reared a lawyer, his father, the Colonel, having been one of the distinguished lawyers of this State. The Judge was raised in his office. He took to the law naturally. His father gave him good opportunities for those days. He was in fact practicing law in his father's office before he was admitted. He was admitted more than half a century ago, in the court room where this resolution is now offered, and from that day to the day of his death was constantly engaged in the practice and in no other business.

He was richly endowed to begin with. He gave it all to his clients and later to the public when he was District Judge. He had no other way of making a living. He didn't want to make a living any other way. It made little difference to him whether his client could pay or not. He charged about one-tenth of what is now considered reasonable fees, and made little or no effort to collect what he did charge. The client who was unable to pay received the same attention that the rich client did. He loved his profession dearly, and worked at it steadily for more than fifty years.

As Prosecuting Attorney for the old Judicial District he was known as one of the best in the Western States. As Judge he was not only well equipped and fair minded, but absolutely fearless with the faculty of transacting the business of the Court rapidly and correctly. He was never swayed by public opinion, but administered the law as it was written, fairly and impartially, tempering it only with that degree of mercy which so well becomes a Judge. He was a child so far as his own business affairs were concerned. He was a Democrat of the old school and lived to see the greatest of his party become President. He and his wife never had children. They were all in all to each other. He never was the same since her death. He was an ideal citizen, a staff to the honest, a menace to evil doers. Strong, just, patient, able, honorable citizen, but pre-eminently a lawyer in all that that term implies. He was not a member of any church. He made his record each day of his life and was willing to face the future on that record.

JOHN A. SHORTLEY; 1851-1913

John A. Shortley was born at Portage, Wisconsin, September 7, 1851; and died at his home in Perry, Iowa, September 13, 1913.

When about five years of age he came with his father to New Hampton, Iowa, and there attended the public schools, completing his education at the Upper Iowa University. He attended the Law Department of the State University of Iowa; and upon his admission to the Bar commenced the practice of the law at Brooklyn, this State. In 1878 he moved to Perry, Iowa, and there actively practiced his profession until about the year 1910,

when he was elected Judge of the Superior Court of Perry, which position he held until his death.

As a lawyer Judge Shortley was earnest, industrious, and painstaking; and while his was a general practice he gave special attention to "Personal Injury" litigation. As a jurist he was able, efficient, and upright; as a man, a true friend and exemplary citizen; as practitioner and Judge, his relations with the Bar were courteous, kindly, and pleasant.

JAMES H. TAITE; 1854-1913

James H. Taite was born in McHenry County, Illinois, November 23, 1854; and died at Sac City, Iowa, June 8, 1913.

After his mother's death and when a small boy he moved to Ohio to live with an aunt; and of his early years nothing authentic is known further than is evidenced by the traits of character manifested in later life.

He read law in a law school in Chicago for a year, going to Ann Arbor, Michigan, where he entered the Law Department of the University of Michigan, graduating in 1878. In the same year he commenced the practice of his profession in Wall Lake, Iowa. Some four or five years later he moved to Schaller, Iowa, where he continued the practice. He was elected County Attorney of Sac County in 1886 and, to better perform the duties of the office, he moved to Sac City. For two terms he efficiently served the county and State as County Attorney. After an interim of two years he was again elected, and served as Prosecutor for two terms, from 1893 to 1897. He was elected Mayor of Sac City in 1897, serving one term.

Mr. Taite was a close and industrious student of law, an earnest, hard worker; and was more than ordinarily successful. For a number of years scarcely an important case was tried in the District Court of Sac County in which he was not interested actively. Mr. Taite was loyal to his friends, honorable in his practice, and scrupulously honest in his business.

TILLMON TODD; 1846-1913

Tillmon Todd was born in Chesterfield, Ohio, August 21, 1846; and died at his home in Springdale, Iowa, June 16, 1913. When

a small boy he came to Iowa with his parents, settling near Springdale where he grew to manhood, receiving a common school education. He taught school, afterward read law in the office of Wolf & Landt, of Tipton, Iowa, and attended a course of lectures in a law school in Philadelphia; and was admitted to the Bar in Cedar County, Iowa, on November 21, 1883. He at once opened an office in Springdale, making Probate Law his specialty. He continued in the general practice until the time of his death.

One who knew him personally and intimately pays the following tribute to Mr. Todd's memory: "I can safely say that he was considered, by all who came in contact with him in a social, business, or professional way, a man of the highest integrity, dependability, and reliability."

CHARLES A. VAN VLECK; ———1913

Charles A. Van Vleck was born at Shell Rock, Iowa, ———, ———; and died at Des Moines, Iowa, August 5, 1913.

Mr. Van Vleck was of German descent, and his life was permeated with the thoroughness characteristic of the race. He was well grounded in the law, a close reader, and kept in close touch with the decisions of the Courts of the country. He was a student of history and philosophy, and possessed a fine library.

He was an instructor in Highland Park College one year, being Dean of the Law Department; and for four years was Assistant Attorney General of the State of Iowa. For a time Mr. Van Vleck was a member of the faculty of the Law Department of Drake University. He was a member of the law firms of Van Vleck and Holmes, and Van Vleck and Young. His specialty was real estate.

His passion for knowledge, both in and out of his profession, brought to his work, whether at the Bar, in the school room, or in the service of the State, a well-trained and efficient mind combined with a high sense of duty.

LUMAN H. WELLER; 1813-1914

Luman H. Weller was born at Bridgewater, Connecticut, August 24, 1813; and died at Minneapolis, Minnesota, March 2, 1914.

He attended the common schools, a local academy, and took a normal course at New Britain, Connecticut. He was married to Miss Mary E. Pickett at Poughkeepsie, New York, December 14, 1857.

He came to Iowa in 1858, and desiring a legal education, sometime thereafter commenced the study of law by reading at home at nights after the labors of the day, until 1867, when he was admitted to the Bar.

Mr. Weller did not extensively engage in the practice, but instead gave his attention to politics, and defeated Thomas Updegraff for Congress in 1882. He was a prominent Mason and Knight of Pythias; and was esteemed by his associates.

Upon motion duly made, the Report of the Committee on Legal Biography was adopted and placed on file.

THE PRESIDENT: The special committee appointed a year ago to propose a New Constitution and By-Laws, I understand is ready to report. I believe Justice Deemer has prepared that report.

REPORT OF COMMITTEE ON CONSTITUTION AND BY-LAWS

JUSTICE DEEMER: *Gentlemen of the Association:* I didn't know until last night that anything was expected of me as a member of this committee. The chairman is Mr. A. T. Cooper, of Cedar Rapids. I had a letter from him last night which I didn't read until this morning, saying he thought he should not be able to be here. I just returned from my room and found another letter there from Mr. Cooper, in which he makes some suggestions, which I haven't had time to digest.

You have, however the report of the committee in print before you, not only the report, but the proposed substitution of the Constitution and By-Laws, complete, which is as follows:

To the Iowa State Bar Association:

The members of your committee in compliance with instructions given us (see pages 53 to 64 of the 1913 proceedings), and feeling that you really expected us to do it, hereby report a full Revision of our present Constitution and By-Laws, believing that to be the best way to amend the old and add the required new

machinery to enable a rapidly growing Association to cover its field and do its work in a successful and satisfactory manner. It is forty years since the old Constitution and By-Laws were adopted and Iowa lawyers were then truly pioneers; for they preceded the organization of the Illinois State Bar Association by four years (1874-1878).

In drawing this Revision we have had access to the Constitutions and By-Laws of twenty-eight other State Bar Associations from some of which we received valuable assistance, but found many to be in the same condition as our own. The one common complaint of all is the failure in the collection of annual dues. Every one of the twenty-eight shows this difficulty, though the dues only run from One (1) Dollar to Five (5) Dollars, with an average a little less than Three (3) Dollars, which is, of course, not burdensome. In this respect we have endeavored to give the Association a plan upon which we hope delinquencies may be avoided in the future, and together with the new plan of soliciting membership inaugurated two years ago (the By-Laws to the contrary notwithstanding), we trust will enable Iowa to maintain her lead and push our now seven hundred seventy-five membership roll to one thousand—to two thousand and ere long to have it include the entire active members of the State Bar.

With this vision before us we have added a few new features and labored to reconstruct the old into such a Constitution and By-Laws as will give freedom to the individual and power in the Association to do the work intended for each, all of which we trust you will like and adopt and with earnestness and becoming individual industry, try out.

We invite criticism and shall be more than pleased if you will write to one of us with any suggestions you wish to make. If these come in time we shall take pleasure in embodying them into suggested amendments to the revision. Great benefit should come from this if members will give us their views in advance.

Respectfully submitted,

H. E. DEEMER,

J. A. DEVITT,

A. T. COOPER, *Chairman,*

Committee on Constitution and By-Laws.

CONSTITUTION**ARTICLE I****NAME**

This Association shall be known as the Iowa State Bar Association.

ARTICLE II**OBJECT**

This Association is formed to elevate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice and equity, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education for the law and to cherish a spirit of brotherhood among the members thereof.

ARTICLE III**MEMBERSHIP**

All those persons whose names are printed in the "List of Members of the Iowa State Bar Association 1913-14," published in the Proceedings of the 1913 Annual Meeting, at pages 269 to 278, inclusive, and all members of this Association whose names may have been inadvertently omitted from such list by the publishers, are hereby declared to constitute the present membership of this Association.

Any member of the legal profession in good standing residing in this state may be admitted to this Association on such terms and in the manner as may be provided by the By-Laws.

ARTICLE IV**AFFILIATED COUNTY BAR ASSOCIATIONS**

Any County Bar Association in Iowa may become affiliated with this Association on such terms and in the manner as may be provided by the By-Laws.

ARTICLE V**HONORARY MEMBERSHIP**

This Association may elect distinguished persons to honorary membership in this Association on the terms and in the manner as may be provided by the By-Laws.

ARTICLE VI**OFFICERS**

The officers of this Association shall be a President, Vice-President, Secretary, Treasurer, Librarian, and such other officers as may from time to time be provided for by the By-Laws, and their terms of office, manner of election, etc., shall be as may be provided by the By-Laws; but the President shall not be eligible for immediate reelection except immediately following his having filled out another's unexpired term.

ARTICLE VII

EXECUTIVE COMMITTEE

The business of this Association shall be conducted by an Executive Committee, of which the President, Vice-President and Secretary of this Association shall be ex-officio members and officers. Such committee shall have full charge of the program for each annual meeting and shall have supervisory control of all local arrangements at the annual meetings. The number of this committee, the manner of appointment or election of its members and their terms of office and place of residence shall all be as may be provided by the By-Laws. This committee may adopt rules not inconsistent herewith or the By-Laws, governing its deliberations and the conduct of the business and affairs of the Association, and the President may appoint from its membership sub-committees and refer matters to the same.

ARTICLE VIII

STANDING AND SPECIAL COMMITTEES

This Association shall have the following standing and special committees: Committee on Membership, Committee on Affiliated County Bar Associations, Committee on Grievances, Committee on Law Reform, Committee on Legal Education and Admission to the Bar, Committee on Legal Biography, Committee on Professional Ethics, Committee on Uniform State Laws, and such other committees as may be provided by the By-Laws. The number of the members of each such committee and the manner and method of their election or appointment shall all be as may be provided by the By-Laws. Special committees may be created by duly adopted motion or resolution.

ARTICLE IX

VOTING AND TRANSACTING OFFICIAL AND COMMITTEE BUSINESS BY MAIL

The officers and committees of this Association may consider and act by mail upon any matter pertaining to the affairs of this Association, and when a vote is so taken in writing and duly entered in the minutes of such officers or committee, it shall stand as their official action.

ARTICLE X

ANNUAL AND SPECIAL MEETINGS

This Association shall hold annual meetings at such place and time as shall be provided by the By-Laws, and the Executive Committee may in its discretion call special meetings; but no business shall be transacted at any special meeting other than that clearly set out in the call.

ARTICLE XI

ADMISSION FEES AND ANNUAL DUES

There shall be no admission fee in this Association. Each member shall pay to the Treasurer annual membership dues, in the amount, at the time or

times and place, to become delinquent with penalties, forfeitures and the like, all as may be provided by the By-Laws.

ARTICLE XII

HONORARY DELEGATES

This Association will receive Delegates from any other Bar Association who shall be entitled to all the privileges of membership except the right to vote and hold office.

ARTICLE XIII

WITHDRAWALS AND EXPULSIONS

Any member may withdraw from this Association in the manner and upon the conditions as may be provided by the By-Laws, and any member may be suspended or expelled from this Association for misconduct in his relations to a brother attorney, whether or not the latter is a member of this Association, and for professional misconduct, all as may be provided by the By-Laws.

ARTICLE XIV

VACANCIES

Vacancies occurring in the offices and committees of this Association shall be filled as may be provided by the By-Laws.

ARTICLE XV

BY-LAWS

This Association shall have By-Laws not inconsistent herewith for the government, control and direction of the business and deliberations of this Association, its officers and committees, which By-Laws may be amended as shall be provided by the By-Laws.

ARTICLE XVI

QUORUM

The number of members constituting a Quorum for the transacting of all the business of this Association in both regular and special meetings shall be twenty-five members; but a less number may adjourn to a fixed time.

ARTICLE XVII

AMENDMENTS

This Constitution may be amended at any annual meeting by an affirmative vote of two-thirds or more of the members present, or by a majority vote when the proposed amendment has been submitted to the last preceding annual meeting and laid over or when a proposed amendment has been printed and mailed by the Secretary to each member of the Association ten or more days prior to the annual meeting at which it is to be acted upon.

BY-LAWS

RULE I

MEETINGS

The annual meetings of this Association shall be held in June at a place and on a day or days to be fixed by the Executive Committee, announced at the annual meeting and published with the proceedings.

Should a change be made in either or both the place or time of the annual meeting after publication of the proceedings, the Secretary shall give due notice thereof to the members both by mail and through the press.

RULE II

QUORUM

Twenty-five members shall constitute a Quorum for the transaction of all the business of this Association at both annual and special meetings; but a smaller number may adjourn to a fixed time until a Quorum appears.

RULE III

ORDER OF BUSINESS

The order of business of this Association shall be

1. Calling of the roll of members and recording the presence of a Quorum.
2. Correcting the minutes of the last preceding meeting as printed in the proceedings.
3. Presentation of petitions, letters, memorials, remonstrances, and other papers which may be referred to appropriate committees and otherwise disposed of without debate.
4. Report of the Committee on Membership.
5. Report of Committee on Affiliated County Bar Associations.
6. Annual Address of the President.
7. Report of Secretary.
8. Report of Treasurer.
9. Report of Librarian.
10. Report of the standing committees.
 - (a) Executive Committee.
 - (b) Committee on Grievances.
 - (c) Committee on Law Reform.
 - (d) Committee on Legal Education and Admission to the Bar.
 - (e) Committee on Legal History and Biography.
 - (f) Committee on Professional Ethics.
 - (g) Committee on Uniform State Laws.
 - (h) - Committee on Taxation.
11. Report of Special Committees.
12. Nomination and Election of Officers.
13. Appointment of Delegates to the American Bar Association.

14. Banquet.
15. Special Addresses.
16. Unfinished Business.
17. New Business.
18. Motions and Resolutions.
19. Annual Addresses.
20. Installation of New Officers.
21. Announcement of Committees and Place and Time of Meeting.
22. Adjournment.

RULE IV

DUTIES OF THE PRESIDENT AND VICE-PRESIDENT

The President shall preside at all meetings of the Association and of the Executive Committee, may depute the Vice-President or other member of the Association to preside for him, shall inspect and sign all bills and orders drawn on the treasury and all contracts and written instruments of the Association, assist in the transaction of all the business of the Association, and perform such other duties as may be required from time to time. He shall prepare and read or deliver to the Association the President's Annual Address and shall have full liberty in choice of subject and manner of treatment of the same.

In the absence of the President or his inability to serve, or whenever the President may request, and always when the President is absent, the Vice-President shall assume and discharge the duties of the President.

RULE V

DUTIES OF THE SECRETARY

It shall be the duty of the Secretary to keep a full record of the proceedings of the Association and of the Executive Committee, to draw all orders on the treasury for all sums ordered to be paid by the Association or the Executive Committee, to attest all orders, contracts and other written instruments of the Association when executed by the President or the Vice-President when he is authorized to so act, to give all persons elected and appointed written notice of such election or appointment, and to perform such other duties as usually pertain to the office of a Secretary and as may be required of him from time to time by the Association or the Executive Committee.

The Secretary shall within ninety days after the close of each annual meeting cause to be printed in book form as many copies of the proceedings of such meeting as the Executive Committee may determine, which shall contain a complete report of all the proceedings, including all papers presented at or read before the Association, all toasts given at the annual banquet, the reports of all officers and committees, the Constitution and By-Laws of the Association, a list of officers of the Association from its organization, an alphabetical list of the members, a list of the members residing in each city and town under the names of such cities and towns, all alpha-

betically arranged, a list of honorary members, a list of the committees appointed at the last meeting under proper headings, and any other matter he may deem of sufficient importance to find a place in the volume, and to make and cause to be published a memorandum of all subjects referred to committees, general and special, the subject of each, and all of the annual addresses, giving author, and the subject and author of all papers read before the Association from its origin down to the time of the publication of the volume, the same to be after the form and style of such memoranda as printed and published in the proceedings of the American Bar Association for the year 1898.

He shall also make an accurate, complete, thorough modern index of the proceedings, with cross references, etc., so that the matter contained in each volume may be rendered easily accessible; and in the published proceedings for the year 1914 and each five years thereafter, to, in addition to the regular index, make and publish a complete, accurate and thorough index with usual cross references of all previous proceedings, giving volume or year and page of the proceedings where the matter referred to may be found.

Immediately on publication, the Secretary shall mail to each member of the Association, including honorary members, one copy of the proceedings bound in board; and the remainder of such editions he shall ship to the Librarian except those volumes needed by him for exchange. Exchanges may be made with such societies and organizations as the Executive Committee may direct and it shall fix the price at which each volume may be sold. The compensation of the Secretary for all services requested and performed by him shall be the sum and amount of Three Hundred (300) Dollars per annum, payable monthly.

RULE VI

DUTIES OF THE TREASURER

It shall be the duty of the Treasurer to collect all sums of money due and owing the Association, especially annual dues of members and of affiliated County Bar Associations. To enable him to prevent delinquencies occurring and to adjust present and future delinquent dues, the Treasurer is hereby authorized to make use of all legal methods and means to collect and is hereby authorized to, in his discretion, amicably compound differences between the Association and members delinquent in dues.

He shall pay out of the funds of the Association all orders signed by the President or Vice-President and attested by the Secretary, and no others, shall report the condition of the treasury and the names and amounts of delinquent members whenever the Executive Committee shall request the same and on June 1st each year make a full report to the Executive Committee and the annual meeting of all his transactions, showing the present condition of the treasury, and shall accompany it with an alphabetically arranged list of delinquent members showing the sum owing by each, and perform such other duties as the Association or the Executive Committee may from time to time require.

The Treasurer shall furnish an official bond payable to the Association in a sum and amount to be determined by the Executive Committee, the premium for which shall be paid by the Association. For all his services as such officer he shall be paid the sum and amount of Two Hundred (200) Dollars, payable monthly.

RULE VII

DUTIES OF THE LIBRARIAN

It shall be the duty of the Librarian to receive from the Secretary all printed literature of the Association (except a sufficient number of the proceedings of each year for distribution among the members and exchanges provided for in Rule V hereof), and to preserve the same, and he is hereby directed to mail to each public library in the State a copy of the proceedings of each year and to exchange proceedings with all other State Bar Associations. He shall receive no compensation for his services.

RULE VIII

EXECUTIVE COMMITTEE

The business of this Association shall be conducted by an Executive Committee composed of the officers of this Association who shall be ex officio officers of the committee, and as many other members of the Association as there are Congressional Districts in the State, no two of which shall reside in the same District. It shall be the duty of the members from each Congressional District in attendance at each annual meeting to caucus and appoint and announce to the meeting at the time of the election of officers a district member of such Executive Committee and attend annual meetings, to conduct and transact all business of this Association not in these rules assigned to one of the Standing Committees or by motion or resolution especially referred to a special or standing committee.

It shall also be the duty of the Executive Committee to take charge of, arrange for, provide and carry out all programs and entertainment for annual meetings and banquets, including the menu and other entertainment of a local nature, of all of which such committee is hereby given supreme control.

At the time of nominations and elections of officers the Executive Committee shall in writing report and the Secretary read to the meeting, the place selected for the next annual meeting and a list of names of members for election to the various offices of the Association, including delegates and their alternates to the American Bar Association; but such report shall not be adopted as a whole nor shall it prevent members from making other nominations for each office or elective committee. All elections shall be by ballot and by a majority of those present except when after reasonable calls by the chair for other nominations there shall be but one candidate for the office, when it shall be the duty of the chair to declare nominations closed and the candidate elected by unanimous consent.

RULE IX**STANDING COMMITTEES**

There shall be appointed by the chair and announced at each annual meeting or announced in the proceedings of which immediate personal notice shall be mailed by the Secretary, the following standing committees: Committee on Membership, Committee on Affiliated County Bar Associations, Committee on Grievances, Committee on Law Reform, Committee on Legal Education and Admission to the Bar, Committee on Legal Biography, Committee on Professional Ethics, and Committee on Uniform State Laws.

RULE X**MEMBERSHIP COMMITTEE**

The Committee on Membership shall consist of as many members as there are Congressional Districts in the State. The President shall appoint the committee, one from each Congressional District, and name one of them as Chairman. Each member of such committee is hereby empowered and directed to immediately appoint in each of the counties in his district a sub-committee of three resident members of this Association with power of removal and substitution. It shall be the duty of each county sub-committee to personally and in a body thoroughly canvass the Bar of its county and procure, if possible, written applications for membership from each eligible lawyer in such county not already a member of this Association and to recommend such applicant to the Association. The Chairman of such sub-committee shall at convenient intervals report all such applications to the member of the Committee on Membership in his Congressional District, whose duty it shall be to report all such applications to the Chairman of the Committee on Membership, whose duty it shall be in turn to report all applications so recommended to the next annual meeting.

RULE XI**COMMITTEE ON GRIEVANCES**

The Committee on Grievances shall consist of five members appointed by the President. This committee shall receive all complaints and charges of professional misconduct or breach of ethics against any member of the Bar practicing in the State of Iowa, whether or not a member of this Association, which complaints said committee shall investigate and in so doing may take testimony of witnesses, professional statements of Judges or attorneys at law, interview the accused and receive his oral or written statement regarding such charges and report them, together with the recommendations of the committee, to the next annual meeting. If such complaint or charge be against a member of the Association and appears to be well-founded, the committee shall suggest in its report what action in its judgment should be taken thereon by the Association, whereupon the Association may proceed to suspend or expel the accused from membership herein as provided in Rule XXV hereof.

If the charge be sustained and it be such as comes within the jurisdiction of the courts, this Association may order this committee to institute proceedings for disbarment as provided in Section 325 of the 1907 Supplement to the Code, whether or not the accused be a member of this Association, and the Association shall pay all costs and expenses incurred in the premises, the same to be billed to, audited by, and ordered paid by the Executive Committee hereof. If proceedings in Court be ordered, the said committee shall select from its own number not more than three members thereof to conduct the proceedings, and if any or either of the members so appointed shall fail or neglect to serve without good and sufficient cause being shown to said committee, such failure or neglect shall be reported to the next annual meeting and the Association may forfeit the membership of them or any of them so failing to perform the duty thus assigned. Whenever any complaint is filed or charges preferred or whenever the Committee on Grievances on its own motion shall elect to prefer charges or to investigate any matter brought to its attention, it shall cause the party against whom the complaint is made or the charges are preferred to be notified of the said charges, and if complaint is filed a copy thereof shall accompany the notice and the party so notified shall be permitted to appear in person or by attorney at the hearing thereof and to make resistance to said charges. All proceedings upon this preliminary hearing shall be secret and confidential, and no report thereof shall be made public unless and until the charges be sustained by the committee. If sustained, the findings thereon shall be reported to the Association with the testimony taken on the hearing. No compensation shall be allowed to any member of the committee; but his necessary expenses shall be paid by the Association.

RULE XII

COMMITTEE ON LAW REFORM

The Committee on Law Reform shall consist of seven members appointed by the President. All proposed legislation shall be referred to the Committee on Law Reform, which committee shall examine and report on each proposition and may recommend appropriate legislation. Its report shall be in writing and filed with the Secretary at least three (3) weeks prior to each annual meeting and the Secretary shall have the same published and a copy mailed to each member at least ten days before such meeting.

RULE XIII

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

The Committee on Legal Education and Admission to the Bar shall be composed of five members appointed by the President, which committee shall perform the usual duties of such committee and such other duties as may be assigned to it.

RULE XIV**COMMITTEE ON LEGAL HISTORY AND BIOGRAPHY**

The Committee on Legal History and Biography shall consist of five members, to be appointed by the President. It shall be the duty of this committee to receive all papers referred to it and to collect all data obtainable touching the past history of the Bar of Iowa and the members thereof, arrange such matter for publication and report the same to the Association.

RULE XV**COMMITTEE ON PROFESSIONAL ETHICS**

The Committee on Professional Ethics shall consist of five members, to be appointed by the President. It shall be the duty of this committee to recommend such rules of conduct in addition to the Code adopted by this Association in 1909 as it deems essential to the maintenance of the highest standard of honor and integrity among the members of our profession.

RULE XVI**COMMITTEE ON UNIFORM STATE LAWS**

The Committee on Uniform State Laws shall consist of five members, to be appointed by the President. It shall be the duty of this committee to act in conjunction with like committees from other states and national associations to the end that all laws save those purely local in character shall be made uniform and consistent and that when so made they be harmoniously interpreted.

RULE XVII**MEMBERS AND HONORARY MEMBERS**

Any member of the Bar of Iowa in good standing (which shall be presumed until the contrary is made to appear) may become a member of this Association by complying with the following: He shall sign a written application (to be furnished by the Secretary), applying for membership in this Association, giving his full name and address and procuring his recommendation as being eligible to membership in this Association by two members of this Association. When such application shall have received a majority vote at the following annual meeting he shall become a member of the Association, vested with all its rights and privileges.

Any one learned in the law may, regardless of residence, be elected to honorary membership in this Association by a majority vote of the members present on a written resolution proposing such honorary membership; but before action may be taken on such resolution the same shall be referred by the chair to and favorably reported back at the same meeting by not less than a majority vote of a special committee to be appointed by the chair, one from each Congressional District of the State.

Honorary members shall not serve on committees, vote or hold office in this Association.

RULE XVIII

LIFE MEMBERSHIP

Any member of this Association in good standing may become a life member hereof by the payment into the treasury of the sum and amount of Thirty (30) Dollars, which shall be in lieu of all future dues and shall entitle the member to a certificate of life membership executed by the President and Secretary.

RULE XIX

AFFILIATED COUNTY BAR ASSOCIATIONS

Any County Bar Association in this State may become affiliated with this Association on written application to be filed with the Secretary. Such application shall be signed by the President and attested by the Secretary of such County Bar Association, which shall state the number and standing of its members and the number of the active members of the Bar not members of such County Bar Association.

When such application has been favorably acted upon by the Association by not less than a majority vote of the members present, said County Bar Association shall become affiliated with this Association as an Affiliated County Bar Association and all its members shall be members of this Association clothed with all the rights and privileges of a member.

It shall be the duty of the Treasurer of each Affiliated County Bar Association to collect from the members and forward to the Treasurer of this Association the sum and amount of Two (2) Dollars for each member, which shall be in lieu and in full of the Three (3) Dollars annual dues of this Association paid by all other members, said remittance to be made before September 1st of each year.

The annual dues of an Affiliated County Bar Association shall become delinquent on September 1st of each year. Whenever an Affiliated County Bar Association becomes delinquent in dues its relations as a County Bar Association shall cease until its delinquent dues are paid, when such County Bar Association shall automatically be reinstated as an Affiliated County Bar Association. When an Affiliated County Bar Association is delinquent its members shall retain membership in this Association and shall be liable to the Association for the Three (3) Dollar annual dues of general members and for the current and succeeding years, all as provided in Rule XX hereof, until such time as such Association is reinstated.

RULE XX

COMMITTEE ON AFFILIATED COUNTY BAR ASSOCIATIONS

The Committee on Affiliated County Bar Associations shall consist of as many members as there are Congressional Districts in the State, to be appointed by the President, who shall name one as Chairman. It shall be the duty of this committee to, each in his Congressional District, visit the County Bar Associations and endeavor to organize them into an Affiliated County

Bar Association, and all his necessary expenses shall be audited and paid by the Executive Committee. Each application for such membership shall be on a form furnished by the Secretary and shall be recommended by the committeeman of the District of which the county is a part and forwarded to the Chairman of the committee, to be by him reported with other like applications to the next annual meeting.

RULE XXI

FEES AND DUES AND FISCAL YEAR

There shall be no initiation fees for membership in this Association, but each member (not enrolled as honorary) shall pay as annual dues the sum and amount of Three (3) Dollars, payable at the residence of the Treasurer.

The fiscal year of this Association shall begin on the 1st day of June, when the books shall be closed. The annual dues of each year shall become due and payable on June 1st, and shall become delinquent on the 1st day of September following. No member shall be permitted to attend any annual meeting or exercise any other privilege of membership while his dues are delinquent. Any member delinquent in his dues shall be subject to sight draft by the Treasurer, with the customary expenses added.

RULE XXII

SECTION ON TAXATION

There shall be created a Section on Taxation, such section to consist of six members, two of whom shall be annually appointed by the President to serve for three years.

Said section will immediately organize and investigate its subject during the year and at the annual meeting shall have a time for its report assigned to it, at which the Chairman of the committee shall preside.

The proceedings of this section under appropriate headings shall be published with the proceedings of this Association and may in the discretion of the committee be published and distributed to the members in advance of the meeting.

RULE XXIII

TERMS OF OFFICE AND ELIGIBILITY

The term of office of all officers and committees of this Association shall be for one year or until their successors are elected and assume their respective duties, unless otherwise stated in the Constitution and By-Laws.

No member of this Association shall be eligible to serve on more than one standing committee at a time, and if inadvertently placed on two or more his first appointment only shall be valid and the place or places on other committees to which he may have been appointed shall be vacancies to be filled under the rules of this Association.

RULE XXIV**RESIGNATIONS**

Any member may resign his membership in this Association provided his dues are not delinquent and he is not indebted to the Association for annual dues for the current year. All resignations must be in writing and forwarded to the Secretary, which shall be reported to the next annual meeting, accompanied by a report by the Treasurer whether or not the member's annual dues are unpaid and whether delinquent.

RULE XXV**DISBARMENT, SUSPENSION AND EXPULSION**

When it shall appear of record in any of the courts of the State that a member of this Association has been finally disbarred he shall thereupon cease to be a member of this Association and the Secretary shall drop his name from the roll of members and report his action to the next annual meeting. A member may be suspended or expelled from this Association for misconduct of any kind; but a written complaint signed by three or more members shall be the foundation of suspension or expulsion, which charge shall be referred to the Committee on Grievances, which shall give the accused a hearing if he so desires and forthwith report its findings to the annual meeting, where the accused may appear in person and by attorney and be heard.

RULE XXVI**LIMITATIONS AS TO SPEAKING**

No member shall speak more than once nor for longer than five minutes on any matter or motion pending before the Association except by unanimous consent and except that the member who makes a motion or offers a resolution shall have the right to close the debate by a second speech of five minutes unless longer time be granted by unanimous consent.

RULE XXVII**AUDITING COMMITTEE**

The President shall, prior to June 1st, appoint an Auditing Committee of three members, at least two of whom shall be residents of the town or city of the Treasurer's residence, to which shall be referred all books and reports of officers. Such committee shall examine all books and accounts, vouchers and other matters pertaining to the business of this Association and report thereon at the coming annual meeting.

RULE XXVIII**RULES OF ORDER**

"Roberts' Rules of Order" shall be the guide and authority in all parliamentary matter arising in the meetings of this Association and not provided for in these rules.

RULE XXIX

SUSPENSION OF AND AMENDMENTS TO BY-LAWS

Any By-Law may be temporarily suspended by unanimous consent of the members present, and these By-Laws may be amended by a two-thirds majority vote of the members present, provided the amendment be presented in writing, or by a majority vote if presented at one meeting, referred and published in the proceedings or if printed copies are mailed to the members by the Secretary fifteen days before the annual meeting.

JUSTICE DEEMER: Perhaps a word of explanation may not be out of place here. While the committee was authorized simply to amend our old Constitution and By-Laws, we found ourselves a good deal in the position of the Congress which assembled to amend the Articles of Confederation, at the time of the adoption of the Constitution. They found they couldn't reach their purpose through amendment and so proposed an entirely new Constitution, and everybody said they were a revolutionary body, and I suppose we are.

I do not know which would be the better way of getting this before the Association. I wouldn't be doing my duty, however, if I didn't call your attention to some amendments proposed by the chairman himself, to which the other members have added assent. They are verbal ones, as I understand it. Let me say too, that as usual, with a body of lawyers, we were not agreed. We finally concluded we would have to compromise, and so agreed on essentials and concluded to hold our peace on non-essentials, and you have the results of this meeting before you.

I believe, Mr. President, to get the matter before the Association, I shall move, that we adopt the proposed Constitution, which is a substitute for the old one *in toto*, with two amendments proposed by the committee, being simply changes in verbiage. One is to Article VI and the other to Article VII. The proposed amendment to Article VI is merely in verbiage, relating to the ineligibility of the President to immediate reelection. If you will take the last clause of that article, you will find that as now proposed it will read:

But the president shall not be eligible for immediate reelection except immediately following his having filled out the unexpired term of another.

The change is merely in verbiage.

The other proposed amendment is to Article VII, commencing in the middle of that section, you will find that it begins: "The number of this committee, the manner of appointment", etc. It is proposed to insert between those two clauses following "the number of this committee," the words "its duties", making it read:

The number of this committee, its duties, the manner of appointment or election of its members and their terms of office and place of residence shall all be as may be provided by the By-Laws.

These are the only amendments proposed for the Constitution. I move that we adopt the recommendation of the committee, approve the action of the committee and adopt the Constitution as now proposed as a substitute for the old one, *in toto*.

The motion was duly seconded.

JUDGE JESSE A. MILLER: I wish to offer an amendment to Article VIII, which provides for special and standing committees. I wish to amend, by inserting the word "and city" after the word "county" in the third line of that Article. My reason for offering this amendment is that in certain cities of this State the Bar associations are City Bar Associations, instead of County Bar Associations.

The motion was duly seconded.

THE PRESIDENT: The motion is to amend the proposed Article VIII by inserting the words "and city" after the words "Affiliated County" and before the word "Bar" in line three, making it read "Committee on Affiliated County and City Bar Associations".

The motion to amend was duly carried.

MR. J. C. PRYOR: For the same reason that prompted the amendment offered by Judge Miller, I would move an amendment to Article IV, inserting the words "or city" after the word "county" in the first line of said Article IV, as proposed.

JUSTICE DEEMER: While I have no authority to speak for our committee, if I had the power I would accept, on behalf of the committee the proposed amendment.

THE PRESIDENT: I think the member here representing the committee has that authority, and it will be considered that the committee accepts both amendments.

JUSTICE DEEMER: With these amendments added, I move the adoption of the proposed Constitution as amended.

The motion was duly seconded and carried.

JUSTICE DEEMER: I would suggest now that we take up the By-Laws, Rule by Rule, unless there be some objection.

I move we take them up Rule by Rule, and that we adopt Rule I of the By-Laws, relating to meetings, without reading it.

The motion was duly seconded and carried.

JUSTICE DEEMER: I move the adoption of Rule II, relating to quorum.

The motion was duly seconded and carried.

JUSTICE DEEMER: I move the adoption of Rule III, relating to the Order of Business.

The motion was duly seconded and carried.

JUDGE JESSE A. MILLER: Division 5 in Rule III should be amended by the same addition of the words "and city".

JUSTICE DEEMER: We will accept that amendment.

A motion to adopt as amended was duly made and carried.

JUSTICE DEEMER: I move the adoption of Rule IV, relating to the duties of the President and Vice-President.

The motion was duly seconded and carried.

JUSTICE DEEMER: I move the adoption of Rule V, with reference to the duties of the Secretary.

I think it is my duty, perhaps to refer to the fact that the salary of the Secretary has been increased by this Rule. It was \$200.00, and it is now provided that he shall have \$300.00 per annum.

SECRETARY HORACK: With reference to the publication of the proceedings it provides that the Secretary make a complete index of all the proceedings with this volume. It occurs to me it would be just as well to make an index which would accumulate all the material for the past five years. In Volume XV there is a complete index, and this would make a complete index to the end of volume XX, and then perhaps at the end of twenty-five years we can publish a special volume with a complete index for the whole series.

JUSTICE DEEMER: I may say generally with reference to this that a book without an index isn't worth much, (especially of proceedings) and it was thought at the end of twenty years there should be a complete index of the five volumes, and it is contemplated sometime to have a complete index of the whole.

SECRETARY HORACK: The matter of getting out a complete index must be done by a specialist in that work, and it will cost from \$10 to \$15 per volume. The early volumes have rather a short index, using an entirely different system of indexing from that used in later volumes and these should some day all be re-indexed and it would mean quite an expense to the Association. It seems to me it would be better to wait until the twenty-five year period and then go over the whole series and make an index volume.

JUSTICE DEEMER: If I were to make a suggestion myself, I would have a cumulative index for the volumes covering the period of five years, and then finally have a general index to all of them.

SECRETARY HORACK: That is my idea exactly.

JUSTICE DEEMER: Then I am in favor of that proposition. I will ask permission to pass this for the present.

I move the adoption of Rule VI, with reference to the duties of the Treasurer. In that connection I will also state that the salary of the Treasurer has been doubled.

SECRETARY HORACK: The Treasurer heretofore has had no salary at all.

JUSTICE DEEMER: This provides for a salary of \$200.00. I move its adoption.

The motion was duly seconded and carried.

SENATOR J. L. CARNEY: In view of our lengthy program this morning, I would ask the chairman of the committee whether there is any objection to including the remaining By-Laws in one motion to adopt. Any one desiring, may make such remarks as he cares about any one of them.

THE PRESIDENT: That would be advisable.

JUSTICE DEEMER: The reason why that course was not adopted was because it came to the knowledge of some of the committee that amendments would be proposed upon the floor. There is no objection so far as the committee is concerned. There is however a special report due with reference to some of the rules, those regarding the expulsion from membership in this Association and disbarment of Attorneys, and those I should not want to include in this motion for the present.

If it is thought advisable, I make a motion that will cover all the rules remaining, with the amendment suggested, "and city", wherever that is necessary.

I move the adoption of Rules VI, VII, VIII, IX, X, XII, XIII, XIV, XVI, XVII, XVIII, XIX, XX, inserting the words "and city" where they should be, as heretofore indicated; also Rules XXI, XXII, XXIII, and XXIV, with a substitute for the last sentence in Rule XXIV, reading:

All resignations must be in writing, signed by the member and forwarded to the Secretary who shall immediately refer the same to the Membership Committee, which shall ascertain the cause of such resignation and endeavor to have it withdrawn; but unless such resignation is withdrawn the Secretary shall report it to the first annual meeting following its filing and the Treasurer shall report to such meeting the standing of the resigning member with reference to dues and delinquencies and the like.

The motion was duly seconded.

JUSTICE DEEMER: You will notice that Rules, XI, XV, and XXV, are not included in this motion. There is a request to

omit Rule VIII, and I think this ought to be done by unanimous consent, and I omit that.

GEORGE H. WOODSON: With regard to Rule XIX, I want to ask that "or other like Associations" be included, for this reason: There are conditions arising in this State or other States, that may make it necessary for other Associations from time to time to ask to be affiliated with this Association.

JUSTICE DEEMER: I think there would be some objection to that.

MR. WOODSON: I will withdraw the amendment suggested for the present.

THE PRESIDENT: As I understood the statement of the committee, in any of these rules where there are references to the County Bar Association being affiliated, the words "and city" should be inserted.

The motion to adopt the rules as specified was duly carried.

THE SECRETARY: I move you, Mr. President, that we defer the further discussion and adoption of the remaining Articles until a later time.

The motion was duly seconded and carried.

THE PRESIDENT: We will now hear the report of the Delegates to the American Bar Association in 1913, by the Hon. I. N. Flickinger, of Council Bluffs.

REPORT OF DELEGATES TO THE AMERICAN BAR ASSOCIATION

Mr. President and Brothers of the State Bar Association:

As chairman of the delegation of Iowa to the American Bar Association meeting at Montreal last September, I am requested to give you a brief recital of this great meeting.

Eight months have elapsed since the closing of the session. The unimportant details have been eliminated by time, but the great salient features of the meeting stand out in memory, in stronger relief, and will never be forgotten.

The meeting marked one of the greatest convocations of lawyers which has ever been held on this continent, if not in the world.

Some of its representatives were Judges of Courts, the most influential in the world. Others were leaders of the Bar of the Anglo-Saxon race and therefore the leaders of the Bar of all other nations of the world. Since from the Anglo-Saxon standpoint there cannot be the least question of the supremacy of the lawyers speaking this dialect.

Viewed from this interval of time the salient features of the meeting may be briefly summarized as follows:—

1st:—The gathering of notable lawyers and Judges of the three Anglo-Saxon Nations, England, Canada and United States.

2nd:—The fact of the meeting being held in the Dominion of Canada under the environment as it were of a foreign government and procedure.

3rd:—The grand and successful entertainment of the Association by our brothers of the Canadian Bar and the fraternal feeling developed by the lawyers of the two nations. The place of the meeting in the McGill University in a natural park at the foot of Mt. Royal gave it an environment which was ideal.

4th:—The international importance of the meeting and the making of history; the cementing together in closer ties of brotherhood of the lawyers of the English speaking races.

Last but not least, and the culmination of the greatness of the meeting, was the address of Viscount Haldane, Lord Chancellor of England. For five centuries no incumbent of this great office had left or been permitted to leave the sacred soil of England. As shown by the history of the Common Law, he was the custodian of the Great Seal of England and keeper of the conscience of the King.

These functions were supposed to be so intimately attached to the personality of the Lord Chancellor as to compel his remaining within the borders of the King's domain.

Whether or not this was considered obligatory, history shows that for nearly five centuries, the holder of this great office had never left the sacred domain of his sovereign.

In explanation of his coming, President Taft at the banquet

facetiously and wittily referred to the manner in which President Kellogg of the Association had procured the presence of the Lord Chancellor.

He said: "After Kellogg was elected President he concluded he wanted something unusual at the meeting, so he went across the ocean to see 'George', (George being the familiar name of England's Sovereign). When introduced to him, Kellogg familiarly tapped 'George' on the shoulder and said 'George' I want your Lord Chancellor".

"What for?" said George.

"To make a speech at the American Bar Association meeting."

George held up his hands in horror. "Can't do it, Kellogg, can't be done; for five centuries the Lord Chancellor has never left England's soil."

Kellogg said, "Oh, forget it and let him come."

George said, "What will become of the Great Seal of England?"

Kellogg said, "Oh! we will seal it up in a vault till the Lord Chancellor returns." George finally thought that could be done with safety and Kellogg was about to leave, when George tapped him on the shoulder and says, "Hold on! Kellogg, I can't let him go; what will become of my conscience, that is in his charge?"

Kellogg said, "Oh! forget it, George, don't have any conscience while he is gone, lock it up," and after a continued argument George said he would let his conscience remain in abeyance until the Lord Chancellor's return.

Kellogg thinking that he had matters completed was about to leave when George again tapped him on the shoulder and said, "Hold on, Kellogg!"

"What's the matter now?" says Kellogg.

George said, "Kellogg, the only conditions under which I will let my Lord Chancellor go is that his address shall be made on British soil."

This was positive and final and George would brook no controversy thereover, so Kellogg left George and told him he would see what he could do about it.

Kellogg returned home and obtained permission to hold the

great meeting of the American Bar Association on British soil, which explains our presence in Montreal tonight.

Although we were in the midst of the loyal subjects of King George of England this witty recital of the colloquy between Kellogg and his Majesty was not resented, but was hailed by the hundreds of his subjects in attendance as extremely ludicrous and was lustily cheered.

The introduction of the Lord Chancellor was made by no less a personage than Chief Justice White of the Supreme Court of the United States.

In a brief introduction he characterized him at first as "the head of the greatest Court in the civilized world." Immediately he hesitated and said, "*One of the greatest Courts of the civilized world,*" thereby refusing to place the High Court of Chancery of England above the Supreme Court of the United States of which he was the head.

This was treated as a witty remark and the great audience both English and American arose and cheered him.

The climax came when Justice White turning to the audience said, "Lord Chancellor, these are my brothers of the American Bar, they salute you."

As the Lord Chancellor arose, he was given an ovation such as had never before been given to a British subject. Royalty itself would not have been more cordially greeted.

The response and address which followed while not oratorical in manner, was well delivered, scholarly, cultured, finished, and abounding with that feeling of brotherhood existing between the three great Anglo-Saxon Nations: England, Canada, and the United States.

In vindication of his presence there he first read a telegram of greeting from King George of England to the Association as follows:—

I have given my Lord Chancellor permission to cross the seas, so that he may address the meeting at Montreal.

I have asked him to convey from me to that great meeting of the lawyers of the United States and of Canada my best wishes for its success. I entertain the hope that the deliberations of the distinguished men of both countries who are to assemble at Montreal may add yet further to the esteem and good will which the people of the United States and of Canada and the United Kingdom have for each other.

The Lord Chancellor's topic was entitled a "Study in Law and Ethics."

Really there was but one topic, one single thought, which he wished to lay before the assembly, viz:—a result at which he had arrived after reflection, and which he wished to submit to the audience for their consideration.

Briefly summarized, it was the future of the three nations, England, Canada, and the United States, which nations formed a group unique in inheritance, traditions, and surroundings, and particularly in the region of jurisprudence.

He said,

The lawyers of the three countries think for the most part alike. At no period has political divergence prevented this fact from being strikingly apparent. Where the letter of their law is different the spirit is yet the same, and it has been so always. As I speak of the historical tradition of our great calling, and of what appears likely to be its record in days to come, it seems to me that we who are here gathered may well proclaim, in the words of the Spartans, 'We are what you were; we shall be what you are.'

He then went on to state that this identity of spirit inherited by the lawyers of the three Nations, not only formed a bond of union, but furnished them with an influence that cannot be reproduced in other nations and that there were relations possible within this group which were impossible for nations more isolated from each other.

Speaking further on this identity of the nations, history, and spirit, he said,

Canada and Great Britain on the one hand and the United States on the other, with their common language, their common interests, and their common ends, form something resembling a single society. If there be such a society it may develop within itself a foundation for international faith of a kind that is new in the history of the world. Without interfering with the freedom of action of these great countries, or the independence of their constitutions, it may be possible to establish a true unison between sovereign states. This unison will doubtless, if it ever comes into complete being, have its witnesses in treaties and written agreements. But such documents can never of themselves constitute it. Its substance, if it is to be realized, must be sought for deeper down in an intimate social life. I have never been without hope that the future development of the world may bring all the nations that compose it nearer together, so that they will progressively cease to desire to hold each other at arm's length.

He referred to his being the custodian of the Great Seal and the permission of his Sovereign as shown in the telegram referred to. He referred to the traditions of the Anglo-Saxon Constitutions that fashion in a common mould all that is of importance to the Anglo-Saxon race, and which made it so potent in its influence for the future, and followed with a brief synopsis of the spirit of the law as developed for centuries in England. He facetiously referred to the wages and duties of the original Lord Chancellor of England, who had a daily allowance of five shillings, two cakes, and a small amount of wine and a candle, but he always dwelt in the palace with the King and kept the Great Seal, through which all the acts of state were manifested and referred to the time when he was made Lord Chancellor by his Sovereign simply delivering the Great Seal of England into his hands while he knelt before him in the palace.

This brief resumé of history and the common law and of the origin of the Chancellorship was very interesting and also his references to the spirit and traditions of the law.

He then referred to the greatness of the provisions of the law, and dwelt on the duties of lawyers as to the influencing of opinion.

We can do much to influence opinion, and the history of our law and the character of our tradition render it easy for us to attain to that unity in habit of thought and sentiment which is the first condition of combined action. That is why I do not hesitate to speak to you as I am doing.

Having thus dwelt on the great importance of the law in the community, he came to the second point of his address, namely, "The development of the law through the influence of the opinion of society guided by its skilled advisers."

Among other things he stated, that law means essentially the rules of conduct which are expressly and publicly laid down by the sovereign will of the state and are enforced by the sanction of compulsion. But law imports something more than this, it has a real relation to the obligations of conscience. Larger conceptions than those of the mere lawyer are essential; conceptions, which come to us from the moralist and the sociologist and without which we cannot see fully how the genesis of the law has come about.

He said:—

Besides the rules and sanctions which belong to law and legality, there are other rules with a different kind of sanction which also influence conduct. I have spoken of conscience, and conscience, in the strict sense of the word, has its own court. But the tribunal of conscience is a private one and its jurisdiction is limited to the individual whose conscience it is. The moral rules enjoined by the private conscience may be the very highest of all. But they are enforced only by an inward and private tribunal. Their sanction is subjective and not binding in the same way on all men. The very loftiness of the motive which makes a man love his neighbor more than himself, or sell his goods in order that he may obey a great and inward call, renders that motive in the highest cases incapable of being made a rule of universal application in any positive form. And so it was that the foundation on which one of the greatest of modern moralists, Immanuel Kant, sought to base his ethical system, had to be revised by his successors. For it was found to reduce itself to little more than a negative and therefore barren obligation to act at all times from maxims for law universal; maxims which, because merely negative, turned out to be inadequate as guides through the field of daily conduct. In point of fact, that field is covered in the case of the citizen only to a small extent by law and legality on the one hand, and by the dictates of the individual conscience on the other.

There is a more extensive system of guidance which regulates conduct and which differs from both in its character and sanction. It applies, like law, to all the members of a society alike without distinction of persons. It resembles the morality of conscience in that it is enforced by no legal compulsion. In the English language we have no name for it, and this is unfortunate, for the lack of a distinctive name has occasioned confusion both of thought and expression. German writers have, however, marked out the system to which I refer and have given it the name of "Sittlichkeit."

In his book "Der Zweck im Recht" Rudolph von Jhering, a famous professor at Gottingen, with whose figure I was familiar when I was a student there nearly forty years ago, pointed out, in the part which he devoted to the subject of "Sittlichkeit," that it was the merit of the German language to have been the only one to find a really distinctive and scientific expression for it:

'Sittlichkeit' is the system of habitual or customary conduct, ethical rather than legal, which embraces all those obligations of the citizen which it is 'bad form' or 'not the thing' to disregard.

The foregoing extract furnishes the substance and center of his entire address.

Among other things he says, the guide to which the citizen looks is their standard, recognized by the community.

He has everywhere around him an object lesson in the conduct of decent people towards each other and the community to which they belong.

It is the instinctive sense of 'what to do and what not to do' in daily

instinctive sense of obligation that is the chief foundation of society and it displays itself in the life of the family as well as in our civic and social institutions.

The spirit and habit of life, which this organic entirety inspires and compels are what I mean by 'Sittlichkeit.'

'Sitta' is the German for custom and 'Sittlichkeit' implies a custom and a habit of mind and action and also implies a little more.

Fichte defines it in words which are worth quoting and which I will put into English: 'What, to begin with,' he says, 'does 'Sitte' signify, and in what sense do we use the word?'

'It means for us and means in every accurate reference we make to it, those principles of conduct which regulate people in their relations to each other, and which have become matter of habit and second nature at the stage of culture reached, and of which therefore we are not explicitly conscious. Principles, we call them, because we do not refer to the sort of conduct that is casual or is determined on casual grounds, but to the hidden and uniform ground of action which we assume to be present in the man whose action is not deflected and from which we can pretty certainly predict what he will do. Principles, we say, which have become a second nature and of which we are not explicitly conscious. We thus exclude all impulses and motives based on free individual choice, the inward aspect of 'Sittlichkeit,' that is to say, morality, and also the outward side, or law, alike. For what a man has first to reflect over and then freely to resolve is not for him a habit in conduct, and is so far as habit in conduct is associated with a particular age it is regarded as the unconscious instrument of the time spirit.'

The system of ethical habit in a community is of a dominating character, for the decision and influence of the whole community is embodied in that social habit. Because such conduct is systematic and covers the whole of the field of society the individual will is closely related by it to the will and spirit of the community. And out of this relation arises the power of adequately controlling the conduct of the individual. If this power fails or becomes weak the community degenerates and may fall to pieces. Different nations excel in their 'Sittlichkeit' in different fashions. The spirit of the community and its ideals may vary greatly. There may be a low level of 'Sittlichkeit' and we have the spectacle of nations which have even degenerated in this respect. It may possibly conflict with law and morality, as in the case of the duel. But when its level is high in a nation we admire the system, for we see it not only guiding a people and binding them together for national effort, but affording the most real freedom of thought and action for those who in daily life habitually act in harmony with the general will.

The Lord Chancellor then proceeded to dwell upon the sanction, when a community under which the individual prefers its

good to his own, and under which the development of social institutions, hospitals, universities and other establishments result.

He then referred to the obligation of conscience of the citizen and illustrated by reference to the poem by Lisle describing an Englishman who had been taken prisoner by the Mahometans and was face to face with the cruel death. He is offered life if he will repeat the Koran. He was situated so no one would ever hear of it and would be free to return to England and his family.

Yet for the honor of English race
May I not live and endure disgrace.

* * * * *

I must be gone to the crowd untold
Of men by the cause which they served unknown,
Who moulder in myriad graves of old,
Never a story and never a stone
Tells of the martyrs who die like me
Just for the pride of the old countree.

As another example he referred to Plato's "Crito" where Socrates, after having been condemned to death and offered immunity and flight from Athens, refuses for the reason that he would be violating a decree of the courts of Athens, and drank the hemlock.

He stated,

There is in every truly organized community a common will willed by those who compose it and who in so willing are more than isolated men and women. . . . They unconsciously find themselves pulse beats of the whole system.

He referred to a quotation from Bradley of Oxford, England.

The narrow External Functions of the Man is not the Whole Man, he has a life which we cannot see with our eyes and there is no duty so mean that it is not the realization of this and knowable as such.

In accordance with this view he said there is a general will with which the will of the citizen is in accord.

Reference was made to the life of Themistocles showing how even in times of peace the leader of the Athenians fashioned them into an undivided community and inspired them to rights above themselves which resulted in the building of the ships and the victory of Salamis.

He referred to this leadership in the community as that a common ideal penetrates the souls of the people and takes complete possession.

He said:

Within single States we can find at times the evidence of a sanction which is less than legal but more than moral and which is sufficient in the vast majority of the events of daily life to secure observance of standards of conduct without any question of resort to force. If this is so within a nation, can it be so as between nations?

Which brings us to the third point of his address, namely,

That nations can form a group or community among themselves within which a habit of looking to common ideals may grow up sufficiently strong to develop a general will and to make the binding power of these ideals a reliable sanction for their obligations to each other.

He then referred to the possibilities of such a result and quoting from Renan said:

Man is enslaved neither by his race, nor by his language, nor religion, nor with the course of rivers or the direction of mountain ranges. A great aggregation of men, sane of mind and warm of heart, creates a moral consciousness which is called a nation.

He also referred to another extract from the life of Matthew Arnold.

'But while I admire the faith of Renan and Arnold and Goethe in what they all three believed to be the future of humanity, there is a long road yet to be traveled before what they hoped for can be fully accomplished. Grotius concludes his great book on War and Peace with a noble prayer:

'May God write,' he said, 'these Lessons—He who alone can—on the hearts of all those who have the affairs of Christendom in their hands. And may he give to those persons a mind fitted to understand and to respect rights, human and divine, and lead them to recollect always that the ministration committed to them is no less than this, that they are the governors of man, a creature most dear to God.'

The prayer of Grotius has not yet been fulfilled, nor do recent events point to the fulfillment as being near. The world is probably a long way off from the abolition of armaments and the peril of war.

For habits of mind which can be sufficiently strong with a single people can hardly be as strong between nations. There does not exist the same extent of common interest, of common purpose, and of common tradition.

And yet the tendency, even as between nations that stand in no special relation to each other, to develop such a habit of mind is in our time becoming recognizable. There are signs that the best people in the best nations are ceasing to wish to live in a world of mere claims, and to proclaim on every occasion, 'Our country, right or wrong.' There is growing up a disposition to believe that it is good, not only for all men but for all nations, to consider their neighbors' point of view as well as their own. There is apparent at least a tendency to seek for a higher standard of ideals in international relations. The barbarism which once looked to conquest and the waging of successful war as the main object of statesmanship seems as though it were passing away.

There have been established rules of international law which already govern the conduct of war itself, and are generally observed as binding by all civilized people, with the result that the cruelties of war have been lessened. If practice falls short of theory, at least there is today little effective challenge of the broad principle that a nation has as regards its neighbors duties as well as rights. It is this spirit that may develop as time goes on into a full international 'Sittlichkeit.'

He then refers specifically to the disposition which has been growing up between the United States, Canada and Great Britain and that they were gradually forming one community. He said :

In the year which is approaching, a century will have passed since the United States and the people of Canada and Great Britain terminated a great war by the Peace of Ghent. On both sides the combatants felt that war to be unnatural and one that should never have commenced. And now we have lived for nearly a hundred years, not only in peace, but also, I think, in process of coming to a deepening and yet more complete understanding of each other, and to the possession of common ends and ideals; ends and ideals which are natural to the Anglo-Saxon group and to that group alone. It seems to me that within our community there is growing an ethical feeling which has something approaching to the binding quality of which I have been speaking. Men may violate the obligations which that feeling suggests, but by a vast number of our respective citizens it would not be accounted decent to do so.

For the nations in such a group as ours to violate these obligations would be as if respectable neighbors should fall to blows because of a difference of opinion. We may disagree on specific points and we probably shall, but the difference should be settled in the spirit and in the manner in which citizens usually settle their differences. The new attitude which is growing up has changed many things, and made much, that once happened, no longer likely to recur.

He referred also to the splendid example to the world that Canada and the United States have nearly four thousand miles

of frontier unfortified and that the ideals in the minds of the Anglo-Saxon citizens of the three nations transformed the spirit in which they regarded each other and gave them faith in each other.

In conclusion he stated:

I think that for the future of the relations between the United States on the one hand, and Canada and Great Britain on the other, those who are assembled in this great meeting have their own special responsibility. We who are the lawyers of the New World and of the old mother-country possess, as I have said to you, a tradition which is distinctive and peculiarly our own. We have been taught to look on our system of justice not as something that waits to be embodied in abstract codes before it can be said to exist, but as what we ourselves are progressively and coöperatively evolving. And our power of influence is not confined to the securing of municipal justice. We play a large part in public affairs, and we influence our fellow-men in questions which go far beyond the province of the law, and which extend in the relations of Society to that 'Sittlichkeit' of which I have spoken. In this region we exert much control. If, then, there is to grow up among the nations of our group, and between that group and the rest of civilization, a yet further development of 'Sittlichkeit,' has not our profession special opportunities of influencing opinion which are coupled with a deep responsibility? To me, when I look to the history of our calling in the three countries, it seems that the answer to this question requires no argument and admits of no controversy. It is our very habit of regarding the law and the wider rules of conduct which lie beyond the law as something to be moulded afresh as society develops, and to be moulded best if we coöperate steadily, that gives us an influence perhaps greater than is strictly ours; an influence which may in affairs of the state be potently exercised for good or for evil.

This, then, is why, as a lawyer speaking to lawyers, I have a strong sense of responsibility in being present here today, and why I believe that many of you share my feeling. A movement is in progress which we, by the character of our calling as judges and as advocates, have special opportunities to further. The sphere of our action has its limits, but at least it is given to us as a body to be the counsellors of our fellow-citizens in public and in private life alike. I have before my mind the words which I have already quoted of the present President of the United States, when he spoke of 'Lawyers who can think in the terms of society itself.' And I believe that if, in the language of yet another President, in the famous words of Lincoln, we as a body in our minds and hearts, 'highly resolve' to work for the general recognition by society of the binding character of international duties and rights as they arise within the Anglo-Saxon group, we shall not resolve in vain.

A mere common desire may seem an intangible instrument, and yet, in-

tangible as it is, it may be enough to form the beginning of what in the end can make the whole difference. Ideas have hands and feet, and the ideas of a congress such as this may affect public opinion deeply. It is easy to fail to realize how much an occasion like the assemblage in Montreal of the American Bar Association, on the eve of a great international centenary, can be made to mean, and it is easy to let such an occasion pass with a too timid modesty. Should we let it pass now I think a real opportunity for doing good will just thereby have been missed by you and me. We need say nothing; we need pass no cut and dried resolution. It is the spirit and not the letter that is the one thing needful.

I do not apologize for having trespassed on the time and attention of this remarkable meeting for so long, or for urging what may seem to belong more to ethics than to law. We are bound to search after fresh principles if we desire to find firm foundations for a progressive practical life. It is the absence of a clear conception of principle that occasions some at least of the obscurities and perplexities that beset us in the giving of counsel and in following it. On the other hand, it is futile to delay action until reflection has cleared up all our difficulties. If we would learn to swim we must first enter the water. We must not refuse to begin our journey until the whole of the road we may have to travel lies mapped out before us. A great thinker declared that it is not philosophy which first gives us the truth that lies to hand around us, and that mankind has not to wait for philosophy in order to be conscious of this truth. Plain John Locke put the same thing in more homely words when he said that 'God has not been so sparing to men to make them two-legged creatures, and left it to Aristotle to make them rational.' Yet the reflective spirit does help, not by furnishing us with dogmas or final conclusions, or even with lines of action that are always definite, but by the insight which it gives; an insight that develops in us what Plato called the 'synoptic mind'; the mind that enables us to see things steadily as well as to see them whole.

Concluding his address the Lord Chancellor referred to the generous welcome he had received and that he would carry its memories back over the Atlantic and that it was his desire that we should steadily direct our thoughts as lawyers as to how we can draw into closest harmony the nations of a race in which we all have a common pride.

Immediately upon the closing of the address resolutions of thanks were extended to him, and on motion of Mr. Alexander of Pennsylvania he was unanimously elected an honorary member of the American Bar Association. He thanked the mover of the resolution and the Bar again and trusted that the gospel which he had endeavored to preach would lead to a further development

of a general conscience and bring about the results which all lawyers desire, that he would never forget the meeting as long as life endured. The Chancellor left on the evening train for New York City to take the steamer *Lusitania*, his actual sojourn on this continent being very brief, not exceeding four days. He was accompanied on his return trip to New York by Chief Justice White of the Supreme Court of the United States. Every member of the Bar Association and others could not but feel that the three great Anglo-Saxon Nations had been drawn closer together and that the bonds of friendship were more strongly united by reason of the great meeting and the great address of the great jurist. In the evening a reception was given by the Lord Chancellor, which was thronged by the lawyers and Judges of the Association. It was a great satisfaction to be able to grasp the hand and say a few words to the representative and leader of the greatest Court of the British Empire.

After the Lord Chancellor's address and reception the meetings the next day were of the committees and sub-divisions of the Association for the consideration of the various subjects assigned them which were embodied in detailed reports and incorporated in the final proceedings of the meeting.

Mt. Royal was an object of great interest and attracted many visitors. The summit was reached by driveways and an elevated railway. The summit was in fact a beautiful park from which could be viewed the great valley of the St. Lawrence and the mountains of the New England States. The two great Cathedrals were also objects of interest, St. Peter's being almost a facsimile of St. Peter's at Rome. Notre Dame has interior decorations, pictures and sculptures which are only exceeded by one other Cathedral on the continent. Everywhere the citizens of Montreal extended the "glad hand" to the visitors.

The closing session was the banquet at the Windsor Hotel. It was a great affair, not only by reason of the notables attending but by reason of the splendor of the feast and the witty and inspiring addresses. The venerable Choate, the Nestor of the American Bar, burdened with eighty-three years, apparently in his youth, presided as toast master. Ex-President Taft, officials of the Canadian Government, and also the great French lawyer,

the defender of Dreyfus, Maitre Labori, was there, not only as a delegate from the French Republic but to respond to a toast, which was full of greeting and kindly feeling from his native land.

Contrary to the usual custom immediately upon the beginning of the feast and at intervals throughout, the Toast Master called for the drinking of healths. A band and a chorus of trained singers occupied the balcony of the great banquet hall. First a toast was drunk to the King of England. The band and singers sang the English national hymn. Then followed a toast to the President of the United States and "America" was sung accompanied by the chorus and the band. A short interval, after which Choate proposed the health of the French Republic. Immediately the "Marseillaise," the national hymn of the French Republic, was sung and never have I heard this grand song sung so impressively. Its movement and melody seemed to inspire the vast audience as no other song. Maitre Labori after its conclusion arose and bowed his acknowledgments of the compliment to his native land.

Ex-President Taft was the principal banquet speaker and was at his best. I have already referred to his facetious explanation as to how Kellogg got the Lord Chancellor to come over. Incidentally, he said that when he "was in the Presidential chair and the question of reciprocity with Canada was being considered, you cartooned me, lampooned me, and criticized me and even since my arrival here a member of the press has charged me with an attempt to become mixed up in the Harry Thaw case pending at Shierbrock just across the borders," but Taft said, "Even with all of this I love you still"; this was followed by paroxysms of laughter and cheering, which showed the appreciation of the situation.

The banquet and addresses, and, with it the session, closed at midnight. Every one felt that the meeting was one of the grandest and best meetings of lawyers that had ever been held on this continent if not in the world. All went away with higher ideals of the profession and its influence upon the promotion of the peace and prosperity of the world.

All of which is respectfully submitted this 25th day of June, 1914.

I. N. FLICKINGER,
D. C. SHULL,
J. N. HUGHES,
Delegates.

THE PRESIDENT: On behalf of the Association, I extend its thanks to our delegates for taking the pains of attending the meeting of the American Bar Association, and furnishing us with this interesting report.

WM. MCNETT: I believe it would be interesting to read this splendid speech of the Chancellor of England. It has been published by Congress. I have read it.

MR. FLICKINGER: The Secretary of the American Bar Association has still a few copies undisposed of.

M. F. HEALY: I wrote to Senator Root and he furnished me with a copy. I think you can get a copy by writing to him.

THE PRESIDENT: At our meeting a year ago, a Special Committee was appointed upon the Torrens Land Title System. We will hear the report of that committee, by Mr. O. P. Myers, of Newton.

MR. MYERS: I am the only member of this committee here and I prefer not to make the report now, but have my paper ready to read, if it is desired.

THE PRESIDENT: We will now have the paper on the Torrens Land Title System by Mr. O. P. Myers, of Newton.

THE TORRENS LAND TITLE SYSTEM

Mr. President and Gentlemen:

Land questions are dry subjects. This paper is not intended for entertainment, even if it is not wholly couched in legal language. If it succeeds in arousing some spirit of investigation along these lines, it will reasonably serve its purpose.

Land is vitally important. Its great values make mistakes

costly. Further, land touches every life. All must live upon land in some way. It deals with the home and with all that the home implies. Patriotism is bound up with the soil of our native land. The old homestead with its hearth, its flowers, its fields, its groves, and its memories, is always with us. And the ownership of some land is the dream and the hope of all.

It is somewhere said that he who makes two blades of grass grow where only one grew before, is a benefactor of the human race; and, perhaps, those who cause one abstract or one law suit to suffice, where it took two or more before, may also be looked upon as in the class with benefactors.

Most folks like one to begin as far back as possible. I hope I may be pardoned in the attempt to satisfy some such curiosity; and it may also be of some interest to notice briefly what might be called the first land quieting decree. It appears in one of the very earliest volumes of reports. It quieted a large tract of land, including a part of Burlington, I believe, though the description is somewhat obscure. From its language, I would judge that it included and concluded all unknown parties, resident and non-resident, and all others so far as appears. The record is silent as to any attorneys; but the decree itself is far more certain than many of our present abstracts; and in brevity and clearness it is a model that any other supreme court of the most exclusive jurisdiction may follow to advantage. Many of you doubtless know of it, but I will quote its substantive part: "And God said, Let the waters under the heaven be gathered together unto one place, and let the dry land appear: and it was so." Genesis 1: 9.

The Torrens Land Title System was first drafted into law about 1857, by Sir Robert Torrens, in Australia. It is in use in several British Colonies, including parts of Canada. In the language of the Supreme Court of Minnesota, "The basic principle of this system is the registration of the title of land; instead of registering, as the old system requires, the evidence of such title. In the one case only the ultimate fact or conclusion that a certain named party has title to a particular tract of land is registered, and a certificate thereof delivered to him. In the other the entire evidence (deeds, mortgages, etc.) from which proposed purchasers must, at their peril, draw such conclusion, is registered."

The essential feature of the Torrens System, therefore, appears to be the creation and recognition of an official, conclusive, indefeasible, registered certificate of title—under governmental guaranty.

We will not refer to the workings of this system in foreign lands, because the many different constitutional questions arising in the United States would render such reference of little use. Under English Governments, it appears, they do not have specific constitutions to bother them; and most of their officers can act judicially or otherwise, apparently, without troubling themselves about different departments, and with or without any notice or presence of parties; and their acts bind the whole world. But it is different with us. Every American, great or small, or even unborn, carries around with him, in a certain sense, the whole forty-eight State Constitutions, together with the great enveloping Constitution of the United States—backed up with the Declaration of Independence; demanding instant application to him of the whole outfit at all times, day or night, and holidays; and persistently insisting upon due personal notice, and due legal process, day and night in court, nothing taken without due compensation beforehand, jury trial, no special legislation, and absolute equality, etc., etc.; and always and further expressly insisting that it shall all be dished up to him, every minute, everywhere, in three several, separate, different kinds of distinct, differentiated, departmental doses, executive, judicial, and legislative, without the slightest mixture in trimmings—and then bind nobody but his own particular royal highness.

Our problem therefore is far different, and more delicate and difficult to manage. But the American is eternally right—he is entitled to all these rights, reasonably administered. The main difference is, we suppose, that in most foreign lands, the government largely runs from the top, down; while, here, we are supposed to run from the foundation, up. Every American is a king in his own right; and the point of view makes all the difference in the world. And we do not wish to take away from him the slightest constitutional right to which he is thus justly and reasonably entitled. And if the Torrens System, or any other system, and our general Constitutions, can not get along har-

moniously together, the systems will have to go. All these constitutional questions and rights must be fairly and justly met. One suggestion might be here made,—that if it occurs that our foreign brethren are getting along pretty well in these land title matters, under this system, maybe we are insisting too strongly upon certain more or less formal matters that are not strictly or necessarily constitutional, and may be otherwise reasonably safeguarded.

In this country, the Torrens System exists in modified forms only. Within the last twenty years, it has received special attention from many of our great States, and has been enacted into law in nine States. It is a matter worthy of our best consideration and is entitled to our most thorough investigation.

In the first place, what evils are we seeking to remedy? And in this connection, I do not purpose to use any harsh or hysterical adjectives. It is not necessary. Our present system requires the recording of all transfers, deeds, mortgages, etc., in order to give notice and bind the world; and it has been in use several hundred years. A few centuries ago, the feudal over-lord, at the top, had the final say as to transfers; but under the present recording system, there are no over-lords, and one depends solely upon the record for title.

Now, it is plain, that to be sure of his title, one must in some way know all the record of his tract of land, from the government down to date. "Ay, there's the rub." This is usually attempted to be done by an abstract of title. And since the ordinary man does not know abstracts, he must have it examined. Abstract-examinations may be likened unto the ancient manna of the Israelites; it got out of fix over night, and is not good the next day. And since one examination binds nobody but the owner, there must be a new examination at every transfer. Such new examinations as a matter of course must necessarily go over the whole record from the government to date. The abstract is getting bigger all the time; and it is therefore one constant, continual, increasing expense—with no real end or relief in sight. And suppose a quieting title case is had, and the attorney does the best he can in the best of good faith; there is nothing official about it, and ends nothing as to examinations, for the next at-

torney, in the best of faith also, has to go all over it to see whether it has been done right. And the next attorney in the best of good faith has to do the same thing, and go over the same old past record again. It is simply one grand circular, perpetual leap-frog proposition. Guess that isn't too harsh or hysterical. And some of the frogs are getting tired of it. And further, the liability of abstracters does not run with the land, and old abstracts or old parts of abstracts are thus no direct protection to new buyers.

Men accept abstracts made by abstracters whose note they would not dream of taking for any amount. Many people beguile themselves into thinking that all they need is an abstract, signed by anybody, known or unknown, and that in some way it is a sort of sacred mysterious schedule that does the business, no matter who made it; while in fact, the most perfect abstract may show the worst title. If the ordinary man would go into any recorder's office, he might likely come to the conclusion that our recording system is a "Godless and profitless jungle", where the ghosts of the past in all their ghastly garments, are continually rising and walking most anywhere, while this same ordinary man pays the increasing freight. Books in our recording offices are rapidly increasing; and when one thinks how long a time the future really is—it becomes a serious matter. In Jasper County—a fairly average county perhaps—the records and index books in its recorder's office now amount to about four hundred. People are getting tired of it all and feel that there ought to be some remedy. If all of it can not be remedied, maybe part of it can be. Maybe we can cut off the past, absolutely, close up behind the ears, and thus shorten up all our abstracts. Maybe we can cut out a half to three-quarters of a century and make a new start with our faces wholly turned toward the future. But any remedy must satisfy our Constitutions.

Let us then see what there really is in this so-called Torrens System. The several State Torrens statutes differ in various details, which this paper can not notice. Excepting Massachusetts, which has established a special exclusive Land Court, all the others make use of their own lower courts of record. The original or initial registration is based upon a regular decree in

court after due notice and trial. Certified copy of such decree is furnished the registrar, usually County Recorder, who records it on one certain page; and this entry by such registrar is generally looked upon and held to be the original certificate, and constitutes the operative act of registration. There is some quibble about just what is the "operative act", but the above appears to be it. Duplicate certificate is issued to owner. All title, and memorials or data of liens, etc., appear thereon and on said one certain page and nowhere else. Such certificate is *prima facie*, within certain time and appeal limitations, and thereafter conclusive against the world. Subsequent transfers are made, by owner making usual deed, which is only authority to registrar to make transfer, whereupon the registrar cancels the old and issues new certificate to new owner. When in doubt registrar may take the matter to court and after notice have further decree; and anyone aggrieved may also take same to court. There are certain time limitations as to claimants and finally there is a guaranty or assurance fund that apparently indemnifies all innocent losses.

It will be readily observed that this system can be conveniently divided into two great parts—the past, or initial registration, and the future, or subsequent transfers. First, then, how about the past?

There appears now to be little or no real question but that the past part or initial registry of this Torrens System is safe and constitutional. The Supreme Courts of at least four States, in well considered opinions, have expressly so held. In *Tyler vs. Judges, etc.*, 175 Mass. 71 (1900), 55 N. E. 812, 51 L. R. A. 433; *People vs. Simon*, 176 Ill. 165 (1898), 52 N. E. 910, 44 L. R. A. 801; *State vs. Westfall*, 85 Minn. 437 (1902), 89 N. W. 175, 57 L. R. A. 297; *Peters vs. Duluth*, 137 N. W. (Minn.) 390 (1912); and *People vs. Crissman*, 41 Colo. 450 (1907), 92 Pac. 949, these Torrens statutes have been expressly upheld. And the general principles of such past part is also expressly upheld in *American Land Co. vs. Zeiss*, 219 U. S. 47 (1911) 55 L. Ed. 82, 31 Sup. C. R. 200. It will serve no good purpose here to discuss these cases in any detail. In brief, while there may be some dicta as to future matters not involved, we understand these cases to hold:—That after personal service on wholly

known residents of the State, any other reasonable constructive notice is due notice on all others, resident and non-resident; and that any reasonable process in law, is due process of law. The fundamental conditions of due process of law are merely reasonable notice and opportunity for hearing. In the last case above, it appears to be expressly held that the State has control over the land within its limits, and has the power to make such reasonable statutes relative to conditions of ownership and modes of establishing land titles, and that the safe-guards provided in such statutes are adequate under the Constitution of the United States. We are now referring to the past part only, and as to it, all constitutional rights have been fully complied with, and all constitutional questions foreclosed.

While it may be true that legislative power can not validly say what is conclusive evidence, it can rightly determine what shall be *prima facie* and presumptive evidence; and can also further validly and constitutionally fix and determine reasonable conclusive time limitations; which serves almost the same purpose. Both the general welfare of society and the inherent purposes of government require and include the power in the state to make land titles secure. Unknown and undisclosed claimants and matters are if anything more dangerous than the known; and the very necessities of civilization demand that some reasonable end be made. The unknown claimant and derelict should not forever remain a menace to society. And above cases expressly so hold. The proper operation of such statutes bind the whole world, known and unknown, resident and non-resident, and minors, and others under any disability—conclusively after such limited times. And if this is so—such Torrens, or similar, statute will do away with all the past as to abstracts and examination of all land brought under it. It should be such a statute that a decree under it will become, in effect, a new State Patent; that none can or need go back of it; that a marketable title need go only back to it and absolutely no further; and that such decree shall be officially recognized everywhere, conclusively, without more.

And now what of the future, or subsequent transfers, in this system? As to this future part of the system, I believe, no Su-

preme Court has fully passed upon all these subsequent matters and the actual effect, conclusive or otherwise, of the later certificates; and, in some of above cases, while involving some of the future matters, it is hard to say what would rise above mere dicta. And for this reason, I would prefer to have such part of this paper to be taken only in the light of mere suggestion for later investigation.

As to the future part, let us see our exact situation. Under these statutes, no one can have any rights in the future of the title, unless he appears in some way on the face of the registered certificate. Not only, then, is all the past cut off wholly, but also all the future is likewise wholly cut off and foreclosed except the small, special, known circle on the face of one certain page of the registry. This little circle of known parties is all that is left of the whole great twilight title-zone; and can this circle be squared by any dawning light? Its relative smallness narrows and simplifies the whole matter and renders any notice convenient.

This circle can probably be fully and constitutionally squared in the simple case where only the one name of the initial certificate holder is on the face of the register; because he is the whole circle, and no notice is needed, or rather he has both notice and process.

Right here is one special provision in the laws—that such “registration shall constitute an agreement running with the land and binding upon the applicant and the successors in title that the land shall be and forever remain registered land and subject to the provisions of this act and of all amendments thereof.” This might be construed to have some effect as waiver of some formal technical matters and conclude parties as to some constitutional technicalities.

It will be recalled that the registrar or any person aggrieved in any way can invoke the court and after due notice have full hearing. Further, cases can be suggested wherein other than personal service on resident parties, or constructive service, shall be sufficient. It has also been held that the right of appeal or hearing anywhere along the line of the case and courts will validate an otherwise void judgment. And the face of the register or certificate might be constructive notice to all thereon. It will

be further recalled that any reasonable notice with opportunity for hearing constitutes due process of law. In the process of later registration, all parties appear to have both these rights.

One great objection to these statutes was that of mixing departments, and that the registrar was a judicial officer, and hence law was void. Above cases in said States held that he was not a judicial officer, but had only quasi-judicial and ministerial duties, and hence statute was valid; holding with the great Judge Story, that— "The true meaning (of the separation of the three departments) is that the whole power of one of these departments should not be exercised by the same hands which possess the whole power of either of the other departments." It is also suggested that the duties of the registrar are similar to those exercised by the Commissioner of Patents, officers of the Land Office, and other ministerial and executive officers, under both State and Federal law, where judgment and application of law to fact are involved and incident to ministerial matters.

But while this construction validates the constitutionality of the law in said respect, it gives rise to another objection—that if the registrar is only a ministerial officer and not judicial, then his acts are only *prima facie* and not conclusive.

Look at the situation again. A second certificate is in process of making. The certificate holder is there with his old certificate for cancellation. A bonded sworn officer, disinterested, makes the entries. No one who is not on the face of the register can have any rights. The law could readily provide some form of notice to all of them. Everybody has already agreed that it shall be done just that way. If any question whatever arises, any of them can take it to court, and after notice, take decree. The chances of loss are minimized and extremely remote. And over it all is the guaranteed indemnity against loss. They all have notice and opportunity for hearing—which constitutes due process of law; and when the full purposes of the Constitution are compassed, it can hardly be said to be violated.

But suppose these later certificates are only *prima facie*. Is not a notary's certificate only *prima facie*? And is not the greater part of our present recording system merely *prima facie*? And who can take any advantage of such subsequent certificate to

the real loss of any one? It is in actual effect conclusive. And over all is the guaranty.

Further, to cover all question, as to such later certificates, they might be made not conclusive until after certain formal notice to those on face of register, and decree with limitation. This could be short, formal, inexpensive, and make no delay, because already *prima facie* and amply safe-guarded.

Let us turn briefly to the actual workings of these statutes. From direct and indirect reports by State officers, the statutes of Oregon, Illinois, Colorado, Minnesota, and Massachusetts are satisfactory in operation. These laws are optional, and registration proceeds slowly. The most detailed report comes from Massachusetts, through Judge Corbett of their Land Court—briefly as follows: It has been in operation sixteen years; it greatly facilitates and makes safe and convenient all land transactions; in any deed and mortgage transaction, all that is necessary is to bring the deed or mortgage to the registry, with owner's duplicate certificate, see that original and duplicate correspond, and then pass papers, all in one day. Many mortgages are made to savings banks and trust companies and individuals; banks loaning large amounts often require title to be registered before paying money; such well known concerns as the Boston Consolidated Gas Company, Boston Elevated Railway Company, the Fore River Shipbuilding Company, the New England Structural Company, the General Electric Company, the United Shoe Machinery Company, the Bay State Street Railway Company, and the Edison Electric Illuminating Company, and numerous manufacturing concerns have had, and are having, valuable properties registered. The law is of special advantage to land owners who plat house-lot tracts, where no examination of title is needed, and certificate of title costs only \$2.50; up to January 1, 1914, there have been 4712 petitions for land registration; with assessed valuation of \$46,343,296.00; estimated number of certificates in whole State is about 18,000; and they have \$225,442.00 in their guaranty fund with the State Treasurer; and have had only one small claim made against it in sixteen years.

The "Analysis of the Torrens System", a book by William C. Niblack of Chicago, in 1912, is a very keen, able, and apparently

fair and exhaustive work on this subject, from the standpoint of an officer in a private title insurance company, the Chicago Title & Trust Company; he concludes that private title insurance is the best for the present. On page 328 of this work, he says: "But in all fairness it must be said that in an off-hand discussion of the Torrens System one may conjure up a thousand difficulties which appear almost insuperable, but which may be easily solved by practical application of the provisions of the acts. Study, with consequent knowledge, helps to simplify the Torrens System, just as it helps to simplify other things."

We understand that several private title insurance companies are doing good work, with negligible losses; but there is this suggestion, that as to Massachusetts, if that had been a private title insurance company, in above matter, that \$225,442.00 would not now be in the hands of the State Treasurer of the Commonwealth.

To ordinary folks, this private title insurance looks very much like a mere useless, worthless change of task-masters; from the eternal slavery of abstracts and examinations to the equally eternal slavery of selfish insurance and premiums. People don't want mere risks for homes. They want a land title safe and secure in its own right. They do not want land titles that have to be or need to be bolstered up by any private, selfish, money-making company, but they demand land that is safe in itself, secure from every attack, and backed by all the powers of the very government itself.

The report from Massachusetts also shows that the approximate expense of bringing land under the modified Torrens Act there is \$25.00 and two dollars a thousand of assessed value. It appears rather remarkable that so conservative a city and State as Boston and Massachusetts are supposed to be should be among the very first to establish this new reform land system. It is said that Bishop Brooks of Boston was once asked whether or not he thought the Christian religion would be sufficient to solve the problems of civilization; and he is said to have answered—that he didn't know, it had never been tried. Massachusetts can apparently make a different answer as to its Torrens Act; and report sixteen years of satisfactory operation, with no new amendments either proposed, expected, or needed.

It was to be expected that earlier statutes that tried to conform the old foreign Torrens Act to our Constitutions, would develop mistakes. In both Illinois and Ohio, the statutes were declared unconstitutional and apparently rightly so, in many respects; but both States reenacted better laws. Right here it may well be suggested that it serves no useful purpose to try to secure some mere transient technical advantage in legislation or Supreme Court decision; because these statutes or similar statutes must stand, if they stand at all, upon the very broadest foundations of common sense, natural justice, and constitutionality. That other great States have made special efforts in these respects points out our clear duty to us. Of all that is good Iowa ought to have the best. Iowa deserves to lead. Intelligent people everywhere are awake and alert to secure themselves from the evils of the recording system. And it would be an indictment against the common sense and business sense and general intelligence of the civilization of this century, if something in that direction is not done, and done reasonably soon. I would therefore urge upon you to take all proper steps to insure a most thorough investigation of this matter.

As attorneys, the people expect of us and from the very nature and character of our special knowledge, they have a full right to expect of us, that we take some lead in the betterment of such laws and conditions. However that may be, our duty to civilization rises not only from the nature of our profession, that is always best when nearest justice; but our duty also rises from the higher common right of citizenship, that is always best when nearest that greatest of law-givers, the Nazarene.

Iowa expects every lawyer to do his duty, and I have faith to believe that it will be done.

THE PRESIDENT: As the time is growing short, and as the other members of this committee will perhaps have some suggestions to make, I think it is best to defer the discussion of this topic until a later session.

Before proceeding with the next matter on the program, I wish to repeat some announcements. The Local Committee have generously provided a number of automobiles which will be at

the Burlington Hotel, with notices displayed. These autos are for the use of members of the Association, at their own pleasure.

At 4 o'clock this afternoon, the steamer Keokuk will leave from the foot of Jefferson Street for the excursion on the Mississippi River.

We will next hear the Hon. James A. Devitt, of Oskaloosa, in memory of our respected and beloved President, Major John F. Lacey.

MEMORIAL ADDRESS: MAJOR JOHN F. LACEY

Mr. President and Members of the Bar Association: A year ago I was unable to be present at the meeting of the State Bar Association by reason of professional engagements in which Major Lacey and myself were mutually interested. After the adjournment of the Bar Association at Sioux City, by arrangement, I met Major Lacey in Chicago. We went east on a business trip, and I am sure that the members of the Association who were present and conferred upon Major Lacey the honor of the Presidency of the Association, would have been pleased to know with what high sense of appreciation Major Lacey received the honor. He stated to me, that he did not believe that any political honor that had come to him had touched his sense of appreciation as much as his election as President of this Association.

It was my good fortune to become acquainted with Major Lacey when I was a young lawyer. Leaving law school, I went to Oskaloosa and I sat down and waited for clients. During the years that elapsed prior to Major Lacey's death, I was closely associated with him, and during all of those years I learned to respect and honor him for his inherent worth. As a young lawyer I frequently called upon Major Lacey to assist me in the trial of cases, and there can be no better test of the courtesy and dignity of a lawyer than the older lawyer who is called by his young and inexperienced associate, and in all these relations I found Major Lacey was as you have all known him to be a perfect type of the cultured lawyer.

Major Lacey's career is remarkable in many respects. Born in what is now West Virginia, coming as a boy to Iowa at about

fourteen years of age, and raised on a farm in Mahaska county, he learned the trade of a bricklayer, and to the day of his death he pointed with pride to buildings in our city in the construction of which he had performed the arduous labor of carrying the hod and laying bricks. He early determined to become a lawyer, and in the time when his work as a bricklayer would permit, he read law in the office of Attorney General Rice.

On the breaking out of the Civil War, Major Lacey enlisted as a private, his name being the fourth in the list of names from Mahaska County when the first call came for volunteers. He was captured during one of the early battles and sent home as a prisoner of war, but as soon as an exchange was made, he reenlisted in the Thirty-third Iowa. His record as a soldier was one of credit. I need only say that he was promoted as a Captain and was mustered out of service as Major. As a young soldier Major Lacey exhibited those traits of character which endeared him to his friends later, and which is well stated and set forth in a brief statement contained in a letter from General Steele. At about the time of the close of the Civil War, when the French invasion of Mexico was being resented by our Government, an expedition under General Phil Sheridan was organized for the purpose of moving the army to the Mexican frontier. At the time of the organization of this expedition, Major Lacey was serving on the staff of General Steele. He was detailed to accompany this expedition. In a letter to General Sheridan, carrying out this detail, General Steele said:

The undersigned deeply regrets losing from his staff so gallant and meritorious an officer, and from his military family so amiable and accomplished a gentleman as Captain Lacey. He entered the service at the age when most young men have not left school, and by his energy and good sense soon became distinguished as a staff officer.

Immediately after the close of the War he returned to Oskaloosa and took up his study of the law; studies which had not been entirely interrupted by his army service, as he was in the habit of carrying in his saddle bag law books from which he read when opportunity presented itself. He was admitted to the Bar, members of which were at that time, Judge W. H. Seevers, later Judge of the Supreme Court of the State, M. E. Cutts, and

Judge Loughridge, whose names were at the time in the forefront of the Bar of Iowa. Trained to compete with these men, Major Lacey received that training which is most desirable for a young lawyer, having an opportunity of seeing the best and ablest men of his profession in the trial of cases. That he was an apt student is shown from the success that he attained in the Bar where these men were his competitors.

Major Lacey's political career was long and distinguished. But the fact is not generally known that his political career arose from his success as a lawyer. In the campaign of 1888, when the Republicans of the Sixth Congressional District were looking around for some man who could successfully compete on the stump with General James B. Weaver, then in the height of his power as a speaker, the members of the Bar received attention, and Major Lacey was drafted from the legal profession into the political arena for the purpose of making a contest which the Republicans felt was desperate, indeed. The history of these contests is a part of the political history of the State. He brought to his political contests the same energy and zeal he exhibited in his law practice. I remember attending a meeting of the State Committee, where those interested in the management of the campaign were arranging their plans. All of the party candidates for Congress were present, and as the various dates were arranged, frequently the other candidates offered this or that excuse for not being able to comply with the wishes of the committee, but every time an assignment was proposed for Major Lacey, he promptly answered, "Yes, I am ready to go." This readiness of the Major to perform whatever political duty was assigned him by the committee was favorably commented upon by men in charge of the campaign, and the Major made the following characteristic explanation of his readiness for political duty: "When I was practicing law, I never allowed anything to interfere with my practice, and now that I am in politics, I never allow anything to interfere with my politics."

Such was the system Major Lacey had in politics and in law. He had developed those traits of readiness and resourcefulness

that stood him in good stead in politics. The history of these controversies with General Weaver is full of stories of his ability to take care of himself under any and all circumstances with a man who was then perhaps without a peer in Iowa in the rough and ready tussle of those days. His readiness to reply is well illustrated, when in a joint debate, General Weaver discussing the tariff, saw a bird settling down on the platform, announced that "even the birds of the air" agreed with him. "Yes," Major Lacey replied, "but they are *English* sparrows".

During one of the early debates, before General Weaver had felt Major Lacey out, he got him up before the audience and referred to his opponent as the "dapper little corporation attorney". When Major Lacey's turn came to reply, he referred to the fact of the "dapper little corporation attorney" and drawing from his pocket the postal card received by attorneys when cases have been determined in the Supreme Court, Major Lacey read to the audience the statement, "That the case of *Way vs. Chicago, Rock Island & Pacific Railroad Company* had been affirmed," calling the attention of the audience to the fact that he had been attorney for the plaintiff in a five year battle through the courts in a case that had attracted the attention of the entire district. The crowd joined in the laugh at General Weaver's expense, and no more reference was made during their debates to the "dapper little corporation attorney."

But after all, Major Lacey was preëminently a lawyer. His career in Congress was one that reflected credit upon him. He secured and retained the confidence of Presidents Harrison, McKinley, Roosevelt, and Taft, the men who were Presidents during the time he held office.

His work on the Public Land Committee and in the land and forest conservation—not conservation for political purposes, because at that time conservation had not been urged as a political asset—but he was a conservator of the land of the Nation when he stood alone; he was a conservator of the natural resources of the United States. He drafted and prepared the law which set aside Yellowstone Park, and drafted the rules for its government. He was peculiarly interested in the preservation of all the great

natural curiosities of the country. He secured the legislation that made the petrified forests of Arizona a National Park. He was the pioneer in the American Congress of the legislation for the protection of bird life, and the Lacey Bird Law, which was enacted into a law principally by his efforts, was the forerunner of other national legislation for the protection of the wild birds of America from extermination. At the time of his death, Major Lacey, by the appointment of the Secretary of Agriculture, Houston, was one of the committee drafting the rules and regulations under which migratory birds might be shot under the Act of the last Congress passed to protect the migratory birds. In all these things he worked, as President Roosevelt correctly said: "He worked as a man, who with no thought of his own advancement, engaged in doing what ought to be done for the general public, looking alone to the good results of his work for his reward rather than personal advancement."

Major Lacey's career in Congress terminated, and although at the time of his retirement the President of the United States and numerous of his friends associated with him, and who held him in the highest esteem, were anxious and willing to do something in the way of appointing him to political office, he promptly announced that he was going to retire, leave Washington and go back to Oskaloosa to practice law. I remember with what great pleasure he told me that, shortly after this announcement appeared in the public press, at a reception at the White House at which he was present, Justice White, then one of the Justices of the Supreme Court, and now its honored Chief Justice, seeing Major Lacey in the crowd, made his way to him, with the greeting: "Major, I want to shake the hand of a lawyer; I want to shake hands with a man who has not been divorced from his profession by the fact that he has served a number of years in Congress."

The one characteristic of Major Lacey as a lawyer that stood out more prominent than any other, was his untiring industry. Whatever Major Lacey attained of success, either in law or politics, came to him not as a result of genius, except it be the

genius of hard work. No other man with whom I have ever been acquainted possessed the capacity for constant and continuous toil he did. The Major, as we boys used to say, loved work, like the rest of us loved to loaf. A few days ago Judge McPherson was telling me of an experience of his with Major Lacey. He and the Major had been retained in a case. Judge McPherson stated that he had devoted considerable time and study to the case when he went to Oskaloosa. They both worked at the case, getting ready for trial, until supper time, when Judge McPherson said he was going to his brother-in-law's for supper and that he would meet the Major in the morning. "No," said the Major, "we had better come back this evening." They went back and worked until eleven o'clock. The Major said he could meet him at the office in the morning at seven o'clock, as the court opened at nine.

That capacity for work Major Lacey also carried out in his recreation. His recreation consisted in his love for literature and love of travel. Although not a college graduate, Major Lacey, in the best sense of the word was a learned man. He turned for rest from his law work, to the literature of this and preceding ages, and he became a scholar in the truest sense of the word. His vacations were generally occupied in travel and, while he had visited Europe, he knew the United States as few men have known it. He had visited every state and territory in the American Union, as well as Alaska and its foreign possessions. He acquainted himself by personal investigation with substantially every one of the National Parks and Indian Reservations, and this habit of travel resulted in his early and constant interest in the preservation, for the use of coming generations, of those natural wonders in which our country abounds, and, as a result of these travels, he fathered and, with tireless energy, secured the enactment of laws which have preserved for all time many of these natural wonders, including not only Yellowstone Park, but the petrified forests of Arizona, Crater Lake in Oregon, and Yosemite Park in California.

In the community in which Major Lacey lived, he was a part of its life. There was no movement in the community in which

he was not one of its leaders. It was not the case of a man being too big for a small town; he was one of us and with us in every good work. He was one of the most willing men to give up his time or money for any public purpose. If it was possible for him to grant requests for addresses in schools, colleges, high schools, and on Grand Army and Old Settlers occasions, they were always given, and he devoted himself to the preparation of these addresses with zeal and energy, looked upon the invitation as a compliment, and he returned the compliment by preparing something for the occasion that he felt was fitting.

It was indeed fortunate in many respects for Major Lacey, living as he did, to a ripe age, that he went down into the shadow of death in the full possession of his mental and physical vigor. On the Thursday before his death on Monday, I was with him before the Supreme Court of the State presenting some cases on oral argument, and he, in the presentation of those cases seemed to possess the same energy, zeal, and resourcefulness that he had when I first knew him. Within an hour of the time of his death he was at my office taking up matters of importance and apparently in the full enjoyment of perfect physical health. He said laughingly he never drew a pension as a soldier until the law was passed giving the soldiers a pension on account of old age. He laughed when he stated that he owed Uncle Sam some money, because he came out of the army physically much stronger than when he went into it.

Possessing this capacity for labor, Major Lacey, down to the minute of his death was actively and energetically engaged in the practice of his profession, and the hour before his death he was talking business in his office and going from place to place in the town with no more expectation that his end was near than any of us have today. He walked home and was instantly stricken with death. To those of us who had known him, Major Lacey will ever be remembered as the type of man a lawyer should be. His influence on the bar of the district has been an uplifting influence. His death will not remove that influence among the profession.

I deem it entirely proper in closing this brief address, to read

a poem written by Mr. S. H. M. Byers, who was a boyhood friend and schoolmate of Major Lacey in our county, and who went into the Army with him and who knew him as intimately as it was possible to know another. This poem was written by Major Byers and read at Major Lacey's funeral:

JOHN F. LACEY

Born with the humble, with the humble bred,
Save what himself had gathered on the road,
An earnest life and strenuous he led
And reaped at last the harvest that he sowed.

Not all perhaps: There was another height
He yearned to reach for he had wings to fly
But all at once the daylight turned to night
And voices told him it was time to die.

One day a youth before a city stood
And asked for labor just to earn his bread;
"Come in" they said, but never dreamed they would
Some day bewail him as their noblest dead.

'Twas not by accident nor fate nor chance
He found the goal so many failed to find;
Work, Work, was written on his shield and lance,
The eternal sharpener of the human mind.

Not labor only he had time to know
The fields, the forests and the birds at dawn
Each plumed creature in a requiem low
Will say farewell to him who now is gone.

He won the dearest that there is in life
The high esteem of men who knew him best.
E'en they who met him in the fiercest strife
Will shed a tear that he is gone to rest.

Good Night, the sod can never wholly hide
Beloved names, nor memory banish quite.
Across the river and across the tide
We reach our hands and only say, Good Night.

THE PRESIDENT: This session will now adjourn until 2 o'clock this afternoon.

THURSDAY AFTERNOON SESSION
2 O'CLOCK, P. M.

THE PRESIDENT: The meeting will please come to order.

The first business which we will transact this afternoon will be the selection of members of the Executive and Nominating Committees, to be selected, one each, from each of the Congressional Districts. The members of the respective districts present, will now meet and confer, making their selection of the respective members, and will announce them upon call of the roll by the Secretary.

The committees were announced as follows :

NOMINATING COMMITTEE

- 1st District, W. M. Walker, Keosauqua
- 2nd District, P. B. Wolf, Clinton
- 3rd District, C. W. Mullan, Waterloo
- 4th District, F. A. O' Conner, New Hampton
- 5th District, John N. Hughes, Cedar Rapids
- 6th District, Henry Silwold, Newton
- 7th District, Edwin M. McCall, Nevada
- 8th District
- 9th District, H. E. Deemer, Red Oak
- 10th District, O. J. Henderson, Webster City
- 11th District, Scott M. Ladd.

EXECUTIVE COMMITTEE

- 1st District, H. J. Wilson, Burlington
- 2nd District, C. M. Dutcher, Iowa City
- 3rd District, F. E. Farewell, Waverly
- 4th District, C. W. Reed, Cresco
- 5th District, J. L. Carney, Marshalltown
- 6th District, J. O. Malcolm, Oskaloosa
- 7th District, R. B. Alberson, Des Moines

8th District, Claude R. Porter, Centerville
 9th District, J. C. Pryor, Council Bluffs
 10th District, M. F. Healy, Ft. Dodge
 11th District, W. L. Harding, Sioux City.

THE PRESIDENT: We would like to have the report of the Nominating Committee sometime tomorrow forenoon. Also there should be a meeting of the Executive Committee to determine the date and place for holding the next meeting of the Association so that it can be announced before adjournment.

The Chair will name a Committee on Resolutions, as follows:

Judge C. W. Mullan, Waterloo
 M. J. Wade, Iowa City
 J. L. Carney, Marshalltown
 H. E. Deemer, Red Oak
 W. R. Lewis, Montezuma.

We will next hear the report of the Treasurer, deferred from this forenoon.

REPORT OF THE TREASURER

From June 25, 1913, to June 24, 1914

RECEIPTS

Membership fees	\$ 315.00
Annual dues	2411.36
Total Receipts.....	<u>\$2726.36</u>

DISBURSEMENTS

To Judge Emory Speer, annual address and expenses (Order No. 34)	\$ 219.50
To H. C. Horack, Secretary, salary for 1912-13 (Order No. 35)	200.00
To the Martin Hotel for meals for Judge Emory Speer (Order No. 36)	5.05
To J. A. S. Pollard, for expense to 1913 meeting.....	35.00
To Blaise & Blaise, for expenses and reporting of meeting (Order No. 37)	75.36
To Kembal Floral Co. for wreath for John F. Lacey funeral (Order No. 38)	20.00
Dan Elbert Clark, for making index for proceedings of year 1913 (Order No. 39).....	15.00

Economy Advertising Co., for printing the proceedings of meeting of 1913, etc. (Order No. 40).....	572.70
Republican Printing Co., for 3000 letter heads (Order No. 41)	9.40
To H. C. Horack, Secretary, for postage, supplies, etc. (Order No. 42)	36.19
To United States Express Co., for sending proceedings of 1913 meeting to the members (Order No. 44)....	99.19
To J. A. Devitt, for expense to meeting of committee to revise constitution (Order No. 46).....	4.00
To Justice H. E. Deemer, for expense to meeting of committee to revise constitution (Order No. 47).....	3.40
To A. T. Cooper, for expense in attending meeting of committee to revise constitution, postage, etc. (Order No. 48)	6.85
To H. C. Horack, for freight, postage, railroad fare, and other expenses (Order No. 49).....	87.82
To Ival McPeak, printing two thousand letter heads (Order No. 50)	2.00
To C. F. Martin, for services in correspondence work (Order No. 51)	16.25
To T. S. Metcalf, printing 1700 pamphlets on revision of constitution (Order No. 52)	38.00
To Republican Printing Co., printing, etc. (Order No. 53)	70.75
To Frank T. Nash, Treasurer, postage, printing, phone, and insurance policy (Order No. 55).....	76.70
Total disbursements	\$1593.16
Balance on hand	1133.20
Total	\$2726.36

Respectfully submitted,

FRANK T. NASH, *Treasurer.*

THE PRESIDENT: The report of the Auditing Committee will be read by the Secretary.

REPORT OF THE AUDITING COMMITTEE

The Auditing Committee report that the account of the Treasurer has been examined and found to be correct. The account

includes receipts and disbursements to and including June 23, 1914. We recommend that the account be passed and approved.

BYRON W. PRESTON,

GEO. W. SEEVERS,

J. A. DEVITT,

Auditing Committee.

THE PRESIDENT: What is the pleasure of the Association with reference to these reports?

SENATOR C. G. SAUNDERS: I move you that the reports be accepted and approved.

The motion was duly seconded and carried.

THE PRESIDENT: I am sure you all feel that I was right in being able to have an address at this time from Professor Roscoe Pound, of the Faculty of the Law School of Harvard University. He, however, needs no introduction to an audience of lawyers in the West. He is well known for his work in the University of Nebraska and his decisions and opinions in the Supreme Court of the State of Nebraska; also for his work in the University of Chicago.

I take great pleasure in introducing to you Professor Pound.

THE JUDICIAL OFFICE IN THE UNITED STATES

On a memorable Sunday morning, the 10th of November, 1612, the Judges of England were summoned before King James I upon complaint of the Archbishop of Canterbury. It appeared that the High Commission, an administrative tribunal, established in the reign of Queen Elizabeth for the regulation of the church, had begun to take cognizance of temporal matters and to deal with lay offenders. Not only was this tribunal wholly unknown to the common law, but it decided according to no fixed rules and subject to no appeal. When, accordingly, it sought to send its pursuivant to the house of this or that lay subject and arrest him upon a complaint of a wholly temporal nature, the Court of Common Pleas stopped the proceeding with a writ of prohibition. To meet this judicial insistence upon the supremacy of law, it was suggested that the King might take away from the Judges any cause he pleased and decide it himself; and the im-

mediate business of the Sunday morning conference with the Judges was to explain this proposition and hear what they could say to it. The Archbishop proceeded to expound the alleged royal prerogative, saying that the Judges were but the delegates of the King, wherefore the King might do himself, when it seemed best to him, what he left usually to these delegates. He added that this was clear, if not in law, yet beyond question in divinity, for it could be shown from the word of God in the Scripture. To this Coke answered on behalf of the Judges that by the law of England the King in person could not adjudge any cause; all cases civil and criminal were to be determined in some court of justice according to the law and custom of the realm. "But," said the King, "I thought law was founded upon reason, and I and others have reason as well as the Judges." "True it was," Coke responded, "that God had endowed His Majesty with excellent science and great endowments of nature; but His Majesty was not learned in the laws of his realm of England, and causes which concern the life or inheritance or goods or fortunes of his subjects are not to be decided by natural reason, but by the artificial reason and judgment of the law, which law is an art which requires long study and experience before that a man can attain to the cognizance of it." At this the King was much offended, saying that in such case he should be under the law, which it was treason to affirm. Coke answered in the words of Bracton that the King ought not to be under any man but under God and the law. But this was not the last of such conferences, and in the end Coke, who would give no pledge to do otherwise than administer the law as a Judge should, was removed.

In 1786 the Legislature of Rhode Island, having put forth paper money of the nominal value of £100,000, made it penal to refuse to accept the bills in payment of articles offered for sale or to make any distinction between them and gold or silver coin, and provided further that if anyone were accused of that heinous offense, he should be tried forthwith in an inferior Court by the Judges without a jury, on a summary complaint, without any continuance and with no appeal. One Weeden, being charged with violating the statute, objected that trial before such a special Court uncontrolled by the Supreme Judiciary and with-

out a jury was repugnant to the Charter which stood as the Constitution of the State, and hence that the statute was void. The Judges sustained this objection. Thereupon, on the last Monday of September, 1787, the Judges were summoned to appear before the Legislature much as Coke and his colleagues had appeared before James I. The Judges appeared and two of them made learned and convincing arguments that they could not be compelled by statute to send a citizen to jail without trial by jury when trial by jury was guaranteed by the Constitution, the supreme law of the State, under which the Legislature itself was constituted. The Legislature, however, voted that it was not satisfied with the reasons of the Judges, and a motion to dismiss the Judges from their office followed and would doubtless have prevailed had it not appeared that the Constitution, unhappily, required the deliberate process of impeachment. Like cases occurred at the time in many States.

Again in the twentieth century, Judges are being sent for to explain themselves to the sovereign. Bills of rights in our Constitutions, State and Federal, are administered by Courts as the supreme law which they purport to be. Thereupon the people are to send for the Judges, determine that their reasons are unsatisfactory, and dismiss them. The alternative proposition is that the people proceed to decide the case directly, as James I sought to do.

There is a close parallel here in more senses than one. In the seventeenth century it was progressive to insist upon the royal prerogative. Those who thought of the King as the guardian of social interests and wished to give him arbitrary power, that he might use it benevolently in the general interest, were enraged to see the sovereign tied down by antiquated legal bonds discovered by lawyers in such musty and dusty parchments as Magna Charta. To them, the will of the King was the criterion of law, and it was the duty of the Courts, whenever the royal will for the time being and for the cause in hand was ascertained, to be governed accordingly, since the Judges were but the King's delegates to administer justice. In the eighteenth century, the center of political gravity had shifted to the Legislature. That body now thought of itself as sovereign and conceived that, no

matter what the terms of the fundamental law under which it sat, the Courts had but to ascertain and give effect to its will. Today, the centre of political gravity has shifted to the majority or more often the plurality of the electorate, voting at a given election, and those who think of pluralities and militant minorities as the guardians of social interests and would give them arbitrary powers that they may use them benevolently in the general interest are enraged to see the sovereign tied down by dead precedents and antiquated legal bonds discovered by lawyers in eighteenth-century bills of rights. The Judges are but delegates of the people to do justice. Therefore, it is conceived, they are delegates of the majority or plurality that stands for the whole in wielding general governmental powers. Once more it is insisted that the will of the ruling organ of the State, even for the time being and the cause in hand, must be both the ultimate guide and the immediate source to which Judges shall refer.

Toward King, Legislature, and majority or plurality of the electorate, the common-law Judge has taken the same attitude. Within the limits in which the law recognizes them as supreme, he has but to obey them. But he reminds them that they rule under God and the law. And when the fundamental law sets limits to their authority or bids them proceed in a defined path, the common-law Courts have consistently refused to give effect to their acts beyond those limits. Juristically this attitude of the common-law Courts, which we call the doctrine of the supremacy of law, has its basis in the feudal idea of the relation of King and subject, and the reciprocal rights and duties involved therein. Historically, it goes back to a fundamental notion of Germanic law. Philosophically, it is a doctrine that the sovereign and all the agencies thereof are bound to act upon principles, not according to arbitrary will; are obliged to conform to reason, instead of being free to follow caprice. Along with the doctrine of judicial precedent and trial by jury, this doctrine of the supremacy of law is one of the three distinctively characteristic institutions of the Anglo-American legal system. It became definitely established therein as a result of the contests between the Courts and the Crown in the sixteenth and seventeenth centuries.

Throughout the Germanic law books of the Middle Ages, says

Heusler, runs the idea that law is "a quest of the creature for the justice and truth of his creator". All notion of arbitrary will was foreign to it. The conception that the will of the sovereign had the force of law came from Rome, if not, indeed, from Byzantium. The Germanic conception was, instead, that expressed in the text of Bracton that the King was under God and the law. The Germanic polity always postulated a fundamental law above and beyond mere will. Moreover, it conceived that those who wielded authority should be held to account for the conformity of their acts to that law. Perhaps the extreme instance is to be found in the Salic law, which prescribes that where a creditor has duly appealed to the count for justice and the count does not act, with no sufficient reason, he shall answer with his life or redeem himself with his *wergeld*; but when he does act pursuant to such an appeal, if he goes beyond enforcement of what was due he is likewise to answer with his life or redeem himself with his *wergeld*. But the conception developed as the basis of public law only in England. There the establishment of strong central Courts, purporting to administer the common custom of the whole realm, the strong central administrative power of the King, and the early formulations of the feudal duties of the King, toward his tenants-in-chief afforded a unique opportunity for the evolution of a legal doctrine of the legal duties and responsibilities of those who wield governmental powers.

Two cases of the reign of Edward III show the first phase of the doctrine. In 1338 in an action of replevin for cattle distrained by a collector of the King's taxes, it appeared that the collector had no warrant under seal. The plaintiff demurred to his avowry (that is, to his plea that he took as collector of taxes), and the Court rendered judgment for the plaintiff. Men could not go about the realm distraining the property of the subject or purporting to collect the King's taxes without a special warrant. About the same time, the Court of King's Bench, having convicted Reginald de Nerford and others of a forcible disseisin, issued a writ of *exegi facias* (outlawry) against them. This writ was returned by the sheriff, who reported that he had received a letter from the King under his private seal to the effect that he had pardoned the defendants, and commanding that they should

not be put to damage, wherefore he had not executed the writ. The Court would not listen to this. It told the sheriff he could not justify refusal to execute a writ of the King's Court by showing a mere private letter from the King; and after imposing a fine upon the sheriff, it issued a new writ to outlaw the defendants. In other words, Edward III, King of England, might pardon offenders, but he might not instruct a sheriff to disobey the precepts of the law. If he did, the sheriff could not justify his disobedience thereby. When he acted as King, his acts were those of the law; when he acted by private letter as Edward Plantagenet, he could not interfere with the due course of the law which bound the whole realm. It will be noted that in each of these cases the point was largely one of form. If the tax collector had held a warrant in due form, if the King had pardoned Reginald de Nerford and his companions in the mode which the law recognized, there would have been no question. Yet there was more here than form. Requiring the King and his agents to act in due form, if their acts were to have legal validity was, in an age of formal law, the first step toward requiring him and them to act within the legally appointed limits of their authority. When Fortescue wrote in praise of the laws of England, a century later, he could lay down dogmatically that the power of the English King was not regal, in the sense that he could make what innovations and alterations in the laws he pleased and impose on his subjects what burdens he chose, but was instead political; it was not the personal government of Edward or Henry, it was the political government of the King of England, exercised within the bounds which the law and customs of the realm had established. In this wider form, the doctrine soon required the courts to pass on the validity of royal acts of a very different character.

At common law the King is *parens patriae*, father of his country, which is but the medieval mode of putting what we mean today when we say that the State is the guardian of social interests. In the feudal way of looking at it, the relation of King and subject involved duties of protection as well as rights to allegiance. The King, then, was charged with the duty of protecting public and social interests, and he wielded something very like our modern police power. But this power was limited

on every side by the maxims of the common law and the bounds set by the law of the land. It was a maxim that the law had so admeasured the prerogatives of the King that they should neither take away nor prejudice the inheritance of anyone. Naturally, the royal power of protecting social interests soon came in conflict with such a maxim. A few examples are worth recalling. Henry IV granted the measuring of woolen cloth or canvas that should be brought to London by any stranger or denizen, taking a penny of the buyer and another of the seller for each piece measured. The Judges held that this was not a grant in the public interest; that it tended to the burdening, oppressing and impoverishing of the King's subjects, and not to their advantage, "and therefore the said letters patent were void." Again, King Henry VI granted to the company of dyers in London the power to search for cloth dyed with poisonous dyes and to seize and confiscate it, if found. The judges held this also against the law of the land on the ground that no one's property could be forfeited by virtue of letters patent, without adjudication and an opportunity to be heard. There is a long succession of these cases between the reigns of Henry IV and Elizabeth in which the Crown is manifestly endeavoring to make the royal power to protect social interests a source of revenue or a means of enriching favorites, while the Judges insist it shall be exercised according to settled principles of reason and within limits defined by the law. To this extent, the common law was struggling with the prerogatives of the Crown precisely as today it struggles with the prerogatives of majorities and pluralities. There is, however, a significant difference. In these contests between Courts and Crown prior to the Stuarts, the Courts had been guarding social interests by preventing perversion to quite different uses of powers which could rightfully be used only to further public or social interests. In the nineteenth century we find American Judges going much beyond this and thinking themselves bound to put limits in the interest of the individual to social control for the social interest. This change in the spirit of the common law resulted from the political phase of the contests between Courts and Crown under the Tudors and Stuarts and from the political and juristic theories of the eighteenth century.

It is probable that the further extension of the legal doctrine of supremacy of law has its juristic origin in the medieval conception of the distinction between temporal and spiritual jurisdiction and the entire incompetency of temporal power in the domain of the spiritual. This proposition was so fundamental that medieval Judges no doubt thought of temporal administrative or legislative acts which sought to invade the field set apart for the church much as Judges of today might regard the statute sarcastically proposed by an English conveyancer during the legislative reform movement in the last century—be it enacted that during the month of April of each year the King's loyal subjects shall be at liberty to and are hereby enabled to go forth without umbrellas upon any and all public streets, roads and highways without getting wet. Accordingly, in the reign of Henry VII a majority of the Court of Common Pleas laid down unhesitatingly that an act of Parliament for seizing the lands of alien monasteries into the King's hands could not make the King a parson. No temporal act, they said, can make the King parson without the assent of the head of the church. In other words, there was a fundamental law, dividing temporal power from spiritual power, which ran back of all States and of all human authority, and even acts of Parliament, if they ran counter to this fundamental law, must be disregarded. When, at the Reformation, the temporal power became supreme, decisions of this sort seemed to sanction a doctrine that the sovereign, whether King, or Parliament, or people, was bound to act within certain limits imposed upon all government by fundamental principles of right and reason which it was beyond the power of law-makers to change. Such was the legal situation when a new movement in English polity required the common law to fight for its life and gave to its power of judging of the validity of royal acts and determining whether they were in truth acts of the sovereign, a political significance.

In the middle of the sixteenth century, the common-law Courts, struggling to meet the wants of England of the Reformation by a feudal property law and a criminal law devised primarily as a substitute for the rough and ready justice of an outraged neighborhood in the days when self-help was the staple remedy, found

themselves in a position very like that of American Courts, developed in and for the pioneer or agricultural societies of the first half of the nineteenth century, which are struggling to meet the wants of today with the rules and the machinery devised for such communities. Moreover, an era of liberalization was at hand. The preceding period, a period of strict law, had regarded only conformity to the letter of the law and compliance with prescribed form. The stage of equity and natural law was at hand, a stage which involved an infusion of morality—an infusion of purely moral ideas developed outside of the legal system. Such periods of liberalization, in which the law is made over by reception of ideas from without, have always involved for a time a movement away from law, a temporary reversion to justice without law. In such periods at first the chief reliance for obtaining justice seems to be the power of the magistrate. And arbitrary power is looked upon complacently, since it is taken to be the sole means of escape from the bonds imposed by the strict law. Thus in the United States to-day, in a period of legal development which has much in common with the one we are considering, a movement for liberalization, an infusion into the law of ideas developed in the social sciences, has led to a tendency away from Courts and law and a reversion to justice without law in the form of revival of executive and even of legislative justice and reliance upon arbitrary governmental power.

Accordingly, in the middle of the sixteenth century, lawyers began to complain that the common law was being set aside. Very little business of importance came longer to the King's Courts of law. The Courts, which for three hundred years had been shaping the law and holding even the King to the limits prescribed thereby, seemed to be losing their hold. The law seemed to be fashioning in quite another type of tribunal and by other hands than those of common-law Judges. "In criminal causes that were of any political importance," Maitland tells us, "an examination by two or three doctors of the civil law threatened to become a normal part of our procedure." The living law seemed to be making and applying in the King's Council, in the Star Chamber, in the Court of Requests and in the Court of Chancery—all of them Courts of a Roman, and, what was more

important, a summary procedure. It seemed that judicial justice, administered in Courts, was to be superseded by executive justice, administered in administrative tribunals or by administrative officers. In other words, there was a reaction from justice according to law to justice without law, in this respect entirely parallel to the present movement away from the common-law Courts in the United States. In place of the magistrate limited by law and held to walk strictly in the paths fixed by the custom of the realm, men sought to set up a benevolent guardian of social interests who should have power to do freely whatever in his judgment protection of those interests might involve; in place of deliberate judicial tribunals, restrained by formal procedure and deciding according to fixed principles, they turned to off-hand administrative tribunals, in which the relations of individuals with each other and with the State were adjusted summarily, according to the notions for the time being of an administrative officer as to what the general interest or good conscience demanded, unencumbered by many rules.

The common-law Judges waged a valiant fight against this movement for administrative absolutism, and in the end the older law prevailed. The Court of Chancery was the only one of the Romanized Courts of the Tudors and Stuarts which survived, and that tribunal was little by little made over along common-law lines till it became an ordinary English Court. Moreover, the doctrines which were evolved in the course of judicial administration by these tribunals were made into law and received into the common-law system. The law was liberalized, but it was still the common law. The chief weapon which the common law employed in this contest and the one about which the contest raged was the doctrine of the supremacy of law. That doctrine, therefore, became established among the fundamenta of our legal tradition as a result of the victory. But the victory gave it a new scope and a new spirit. Its scope for a time broadened so as to make of it a doctrine of limitations upon all sovereign power, independent of positive law and at most simply declared thereby. Its spirit became individualist. It became a doctrine that it was the function of the common law and of common-law Courts, to stand between the individual and oppressive action by the

State; that the Courts were set up and the law existed to guard individual interests against the encroachments of state and of society. Thus the Sunday morning conference between King James and the Judges, which is the glory of our legal history, led in the nineteenth century to constitutional doctrines that for a time seemed to enable fortified monopolies to shake their fists in the face of a people and defy investigation or regulation. It too often led the law in the last century to stand full armored before individuals, natural and artificial, that needed no defence, but sallied from beneath its aegis to injure society.

It has been noted already that in the reign of Henry VII the Courts had enforced against an act of Parliament the medieval dogma of the distinction between temporal and spiritual jurisdiction. To Coke, the champion of the common law in the contest with the Stuarts, such decisions established a general doctrine of the competence of the Courts, since they administered the law, and law was reason, to compel not merely all private individuals and all agents of government but the very sovereign itself to keep within the bounds of reason by refusing to recognize or give legal effect to acts or ordinances of the sovereign which went beyond such bounds. "When an act of Parliament," he said boldly, "is against common right and reason . . . the common law will control it and adjudge such act to be void." The events of 1688 in England established the supremacy of Parliament, and Coke's proposition failed to maintain itself. But experience or review of colonial legislation with respect to its conformity to charters, applied to written constitutions and bills of rights, led us in the United States to carry the supremacy of law to its logical limits, and indeed to go beyond such limits and practically adopt Coke's conception of a judicial control of legislation upon fundamental principles of right and reason. Eighteenth-century ideas of natural law and the assumption that the seventeenth-century legal rights of Englishmen were the same as the natural rights of man which were the staple of juristic and political thought in the eighteenth century combined to give Coke's theory of the supremacy of law great currency. When our Courts first came to pass upon constitutional questions, what they read in Coke's second Institute and in his report

of Bonham's case appeared but a common-law version of what they read in French and Dutch publicists as to an eternal and immutable natural law by which all human laws must be measured and of which, in order to have validity, they must be declaratory. Accordingly, it became usual to speak of limitations involved in the very idea of free government, which go back of and are only declared by constitutions and bills of rights. It became usual to think not of the text of the bills of rights but of these supposed fundamental principles of which they were but declaratory. Thus, unwittingly, at the end of the nineteenth century, Courts found themselves too often enforcing not the bills of rights but the individualist doctrines of the historical and philosophical jurisprudence and classical economics of that century.

Moreover, for reasons in part growing out of the seventeenth-century contests between Courts and Crown, and in part growing out of eighteenth-century political theory, as has been said, this doctrine of a fundamental law binding even the sovereign was taken to be something which existed for individuals, to protect them against State and society. Assuming that the abstract individual was the centre of all things and that the State existed only to secure his interests, it was thought that Courts and law had for their function to prevent use of this machinery, set up to protect the individual and to secure his rights, as a means of oppressing him and depriving him of his rights. To understand this notion, as it developed in the Anglo-American juristic tradition, we must look for a moment at the history of the idea of sovereignty.

In the Roman polity the power of making laws was in the *populus Romanus*. The magistrate had *imperium*, the power to command the citizen, a name and an idea growing out of the combined civic and military functions of the magistrate in the ancient city-state. To protect society by keeping discipline in time of war and by keeping order in time of peace, the magistrate had a power of command. Later the Emperor had delegated to him both of these powers. The people conferred on him their legislative power for life and they made him magistrate for life. Thus arose in the Byzantine period the conception of a

sovereign in whom all the lawmaking and all the coercive powers of organized political society are concentrated, and this conception was handed down to the modern world in the law books of Justinian.

Imperium and *dominium*, the power of the magistrate and the power of the owner, were confused during the Middle Ages. The great land owner was also a territorial ruler; the owner of the manor was also magistrate and judge within its limits. The King was ultimate lord of the soil and also the fountain of justice. Under the reign of the Germanic idea of reciprocal rights and duties involved in such a relation, the royal *dominium* was more like *imperium* than like the sovereignty of the Byzantine texts. But the breakdown of feudalism, the growth of central national authority in place of the local feudal lordships, and the rise of the nationalist idea at the Reformation, with the accompanying notion of the duty of passive obedience to rulers, gave significance to these texts as a more scientific study of Roman law went forward as a result of the renaissance and of the humanist movement. In France, where the treatises of widest influence were written, there was coming to be something very like the Byzantine *princeps*, and in England, if Tudor and Stuart had had their way, there would have been a like result. Throughout western Europe the idea of sovereignty as a control from without, of the sovereign as something external to society and set over it, something with which the several individuals who compose society had made a compact, binding them to obedience or to which as of divine right passive obedience was due—throughout western Europe this idea superseded the Germanic and feudal conception of a relation of protection and service growing out of tenure of land and involving reciprocal rights and duties. When this idea came to prevail, the sovereign was a Byzantine Emperor. What it willed had the force of law. Law was not something fundamental and eternal, running back of all states, it was the will of this state or that; the command of this or that sovereign. Whatever the moral duties of sovereigns, they were incapable of legal limitation. They might rule under God, but they certainly did not and could not rule under the law, for they made the law. This conception of law as will has been struggling with the idea of law as reason ever since.

When the common law, with its feudal theory of the relation of King and subject and its Germanic theory of the supremacy of law, came in conflict with the new conception of sovereignty developed in France on Byzantine lines, it was forced to a position which seemed in practice to assert that the sovereign had legal duties to the subjects, that there was law above and behind all sovereigns which they could not alter and by which their actions might be judged, and that the law stood between the individual subject or citizen and this leviathan and compelled it to recognize the natural rights of the individual given him by this eternal and immutable law, or to recognize the terms of the social compact whereby the individual had conferred upon leviathan his very sovereignty and the latter in return had undertaken to secure those natural rights. At the Revolution, the peoples of the several States succeeded to the sovereignty of Parliament. They thought of this not as feudal but as Byzantine sovereignty. And yet they were afraid, and justly afraid, of these Emperors they were setting over themselves, even though the *princeps* was a fluctuating body made up of a majority or plurality of themselves. Hence, by bills of rights they sought to impose legal limits upon the action of those who wielded the powers of sovereignty, while adhering to a political theory of illimitable and uncontrollable power in the sovereign itself. It was inevitable that this compromise between inconsistent theories should sooner or later produce a conflict between Courts and people. In that conflict which became acute in the first decade of the present century each was in a measure right, and each was in a measure wrong.

"Talk of stubborn facts," says Dr. Crothers, "they are but babes beside a stubborn theory." The conflict between Courts and people is not a contest of theory with fact. It is a conflict of two stubborn theories. It is a conflict of juristic theory with political theory as to what law is, whence it comes and whence it derives its force. Each theory is the outgrowth of the law and politics of the seventeenth and eighteenth centuries. Moreover, if the classical juristic theory as laid down by Coke and developed in the eighteenth century is untenable and must be abandoned by the jurist, the classical political theory as laid down by

the sixteenth- and seventeenth-century publicists and developed in the eighteenth century in an age of absolute governments must likewise be abandoned. Indeed, the French, who have advocated it most zealously and given it the furthest logical development, are now definitely throwing it over and are urging that sovereignty is not force from without but is public service from within. Properly understood and shorn of the extravagances that it acquired through seventeenth- and eighteenth-century theories of natural law, the doctrine of supremacy of law is entirely in accord with such a conception. Public service, whether by a railroad company or by a municipal corporation or by the State is not an end but a means. In neither case may it be left to the arbitrary will of those who perform it. In each case the social interest in general security requires that it be guided and regulated by reason; that it conform to principles and standards formulated dispassionately in advance of controversy upon weighing of all the interests to be affected. Accordingly, in insisting on the supremacy of law, the American Judge is not bound of necessity to stand always against the popular will in the interest of the individual. Rather his true position is one of standing for ultimate and more important social interests as against the more immediately pressing but less weighty interests of the moment by which mere will, unrestrained by reason, is too likely to be swayed.

I have made more than one comparison between the period of the Tudor and Stuart Kings, in which the contests between Courts and Crown shaped our doctrine of the supremacy of the law, and the present period, in which contests between Courts and majorities or pluralities threaten to overthrow it. One more remains to be made which is by no means the least significant. At the very time that absolute ideas of lawmaking were dominant through the rise of the absolute theory of sovereignty and acceptance of the Byzantine doctrine that the will of the Emperor has the force of law, a period of juridical idealism was at hand which proceeded upon a radically different idea. Our law and the law of continental Europe were liberalized and modernized in the seventeenth and eighteenth centuries, not by legislation, not by exercise of the will of any sovereign, but by a juristic

doctrine that all legal institutions and all legal rules were to be measured by reason and that nothing could stand in law that could not maintain itself in reason. So today, while absolute theories of law as a mere expression of the popular will are current in political thinking, a return to juridical idealism is in progress. Already jurists of continental Europe are once more writing elaborate treatises on natural law. In the United States a revival of philosophical jurisprudence has definitely begun and conscious attempt to make the law conform to ideals is once more becoming the creed of jurisprudence.

This does not mean that jurists are going back to the eighteenth-century conception of a set of fundamental legal principles of universal validity for all men, in all places, in all times, from which a complete set of rules might be drawn by purely logical processes. They are content to search for the ideals of the age and to set them up as a guide. They are content to seek what Kohler calls the jural postulates of the civilization of the time. But they are not content to abdicate all function and to concede that Judge and lawyer have no more to do than to ascertain and interpret the will of the majority or plurality for the time being. The notion of juristic superfluity involved in such a doctrine is as impossible in the complex industrial society of today as the notion of legislative futility held so generally during the hegemony of the historical school, or the notion of juristic futility added thereto by the positivists. Men are not born with intuitions of the principles by which justice may be attained through the public adjudication of controversies. The administration of justice is not an easy task to which every man is competent. It is no more possible for the people to administer justice directly or to control the course of justice directly than it is for them to administer medicine or control the course of medical science directly or to direct armies and control the course of military science. In each case, study of the experience of the past joined with scientific understanding of the problems involved is the road to the ends sought; and a technical body of knowledge inevitably results which may be mastered only through special study and training. Such was the element of truth in Coke's answer to his sovereign. Indeed, every attempt in legal history

to go back to justice without law has enforced the lesson which the Judges of England sought to impress upon King James at their Sunday conference. In this country we should have learned it when, in the period after the Revolution, the bitter hostility to lawyers and the attempt to ruthlessly break down the professional tradition, to insure the access of the untrained and incompetent to the opportunities of the Bar and to degrade the judicial office resulted only in establishing the lawyer as the leader of the community and in intrrenching the fundamental dogmas of the common law in our Constitutions.

However unpopular for the moment at home, the American development of the common-law doctrine of supremacy of law, in our characteristic institution of judicial power over unconstitutional legislation, is commending itself to peoples who have to administer written Federal Constitutions. In the reports of South American republics we find judicial discussions of constitutional problems fortified with citation of American authorities. In the South African reports we find a court composed of Dutch Judges trained in the Roman-Dutch law, holding a legislative act invalid and citing *Marbury v. Madison* along with the modern civilians. The Australian Bench and Bar, notwithstanding a decision of the Judicial Committee of the Privy Council in England, are insisting upon the authority of Australian Courts to pass upon the constitutionality of State statutes; and the Privy Council has found itself obliged to pronounce invalid a confiscatory statute enacted by a Canadian Province. Even in Germany, of which we are prone to think as the land of that administrative government which is so alien to the common-law polity, publicists are now pronouncing it a fundamental defect of their public law that constitutional principles are not protected by an independent Court of Justice.

We may be assured, therefore, that the supremacy of law established by common-law Judges against Tudor and Stuart is not to disappear. We may be confident that we shall have not merely laws, expressions of the popular will for the time being, but law, an expression of reason applied to the relations of man with man and of man with the State. We may be confident also that in the new period of legal development which is at hand, as

in like periods in legal history, there will be a working over of the jural materials of the past and working into them of new ideas from without. We shall be warranted in prophesying that this working over will be effected by means of a philosophical theory of right and justice and conscious attempt to make the law conform to ideals. Such a period will be a period of scientific law made, if not immediately by Judges, then by judicial working over of the theoretical materials provided by jurists trained in the universities. It will not be one of arbitrary law based on the fiat of any sovereign. For the notion of law as the will of the people belongs to the past era of a complete and stable system in which certainty and security were the sole ends. Throughout legal history, law has been stagnant whenever the imperative idea has been uppermost. Law has lived and grown through juristic activity. It has been liberalized by ideas of natural right or justice or reasonableness or utility, leading to criteria by which rules and principles and standards might be tested, not by ideas of force and command and the sovereign will as the ultimate source of authority. Attempts to reduce the judicial office in the United States to the purely mechanical function of applying rules imposed from without and of serving as a mouthpiece for the popular will for the moment are not in the line of progress.

THE PRESIDENT: I am sure you all feel that I was right in saying, when I introduced Professor Pound, that you would be pleased to listen to his address.

An adjournment will now be taken until seven o'clock tonight, the hour of the banquet. You will all now proceed to the foot of Jefferson Street, where the boat Keokuk is in waiting for the excursion on the Mississippi.

BANQUET PROCEEDINGS

(Elks Hall, Thursday Evening, 7 O'Clock)

Grace was said by the Rev. Naboth Osborne, following which the audience arose and remained standing while the Orchestra played "America". The members then drank a toast to the President of the United States.

RESPONSES TO TOASTS

MR. F. F. DAWLEY, *Toastmaster*

THE TOASTMASTER: *Gentlemen*: The first subject with which we are to be entertained this evening is "The Relation of the Lawyer to the Public." We all of us know that it is pretty hard for most lawyers, especially in the beginning, to establish satisfactory relations with the public, and sufficiently remunerative to meet the approval of a man of ordinary pretense, and we should certainly be glad to hear the speaker instruct us upon this subject. He is one of the lawyers who very early and firmly established himself favorably in his relations with the public and these relations still continue. He will need no introduction to us here. I will call on Mr. Maurice O' Connor, of Ft. Dodge, to give us this valuable information.

THE RELATION OF THE LAWYER TO THE PUBLIC

Gentlemen of the Bar: I want to assure you that I shall have to give you this information rather rapidly. My friend on the left here has been pressing on my attention all evening that my train might perhaps not go on time and that I will be able to catch it at 9:50, and it is now pretty nearly 9:50. I do not know of anything more calculated to produce gray hairs than to be pushed into an effort to make an after dinner speech, when you are not used to it, unless it be the effort to settle the Iowa patronage question Judge Wade has gone through the last three or four months.

Since I have been here today, mingling with the full grown members of the legal profession, I have been constantly annoyed by references to my personal appearance and there has been constantly kept in my mind the story about the maiden lady who was rather thin, along in years, and proposed to join the church. She approached the minister about it and told him she was going to join the church. He said that was all right and a good idea, but he said: "If you join the Church, you have got to renounce the world, the flesh, and the Devil." She said: "Well, I can renounce the world all right, and the Devil, but rather than renounce any more flesh, I would prefer to join a side-show".

In speaking of any subject relative to lawyers, one is necessarily reminded of the topic of Serious and Frivolous Facts about the Great and Near Great. While the life of the lawyer is filled with battles and antagonists, there is no profession in which there is a stronger bond of sympathy and understanding, especially understanding, than among the members of the legal profession. There is every reason why this is true. There is no profession so calculated to display the mettle of true courage, honorable manhood, keen intelligence, than this profession of men who do battle with their minds, and while frequently we have occasion to feel the shock of our opponents' lances, when otherwise we would avoid them, yet beneath it all there is that strong bond of appreciation for real worth that brings men together who possess it, and of course, we all possess it.

In speaking of the relationship of the lawyer to the public, I am necessarily reminded of the Toastmaster's suggestions. I asked my little girl the other day what I ought to be expected to say to a gathering of men on this kind of a subject. She said to me: "I don't understand what you mean by that word relationship." I said: "What we owe to the public, you know." She said: "Oh, tell them all to be Democrats." I thought that over and concluded it was pretty good advice, but I wouldn't give it, because I don't think it is necessary.

What obligation does the lawyer bear to the public? What duty does he owe to those people who are not his clients, those who are affected directly or indirectly by what he does?

In speaking of these obligations, I want to speak of them to the exclusion of the duties of the courts and methods of legal procedure. If there is anybody here tonight who is going to defend all that the courts do, I insist upon it being a member of the judiciary, because he may be able to make some defenses of what they do which is not apparent to the rest of us. The lawyers are being charged with the larger share of the ills and wrongs, imaginary and otherwise, of the times. They are being charged with their share of responsibility for those things which it is alleged need reforming, and the public, the newspapers and magazines have sort of reversed on us a practice of our own in fixing the amount of burden we shall bear. They have used the old contingent fee basis of fifty per cent, with costs added. But the man who takes the position that everything that is wrong and should give way to something of his making, is ready to take the position that lawyers as lawyers need reforming; that the manner of the doing of their work is wrong, that their practice is open to criticism, to put it mildly.

I suppose it is the experience of every one of us to have been at some time confronted with the suggestion, sometimes laughingly made, but nevertheless earnestly made, that the members of this profession that has given to the country its Hamilton, its Henry, its Webster, its Lincoln, should stand with apologies, trembling upon their lips, for the nature of the work they do. The suggestions of philosophers of times gone by, to the effect that there is nothing new, that truth and justice is always the same, whether its application is sought to the affairs of today or of one hundred years ago, is forgotten by them. Those who wholesale this condemnation are like the man who condemns the Government for the larcenies of its dishonest officers. I think it was Dryden who said, that the efficiency of the Government should be measured by the character of the men who enforce its laws, rather than by the Government itself, and the sole object of the Courts is the vindication and triumph of truth and justice, and we are all working toward that end, with what light we have.

They who would reform the legal profession, might well look into the nature of the oath that the lawyer takes. That oath

may be scanned, the statutes and rules governing his conduct may be read, the decisions of the courts interpreting these statutes and rules may be studied, and running through it all is all that splendid citizenship should require and there is nothing to add. In every single community there stands some lawyer who has grown gray in his profession, in the very front of all that is progressive, and at the very top of all that is splendid in citizenship and manhood. Remove them from the communities in which they live, and even the newspapers will have a mighty hard time to keep things straight. But they say, lawyers are behind the times. In what? In the discovery of the truth? Every lawyer knows that lawyers are constantly engaged in efforts to uncover schemes and devices of men who are not lawyers and who claim to be larger than the law.

The only criticism that can be made of any member of the legal profession, is that some members of the profession loan themselves to the accomplishment of the circumvention of the law by men who claim to be larger than the law. If there is any criticism that can be made of any members of the legal profession, it is not that they are behind the times, but that some of them are trying to keep up with the times. These men who are subject to this criticism are not the elms or oaks of the legal profession. They are the mere followers of a class of men who do not respect them, nor any other person, and sometimes they bring reproach upon the profession to which they belong, and justly so, because the lawyer is put in the position of the instructor, not only in the law, but of citizenship and honesty as well. There is no man in the position to so well judge of what is exactly right as the man who devotes his life to an investigation and discovery of the truth.

I have often said, in my humble opinion, the most essential requisite, the most essential single requisite of a good Judge, is moral courage. Strip him of everything else, but leave him that moral courage, and his decisions are right. I cannot escape the belief that moral courage, the strength to say "No" across the desk in the office, even though it must be snarled at times, is not only the modest satisfaction of the honest lawyer, the quiet pride

of the legal profession, but it is the hope of the future of this splendid profession.

I thank you.

THE TOASTMASTER: I have read it somewhere, well stated, that as long as laws are made by men who do not know what they mean, it will be necessary to employ people to explain them, and that means lawyers. And of course, as long as that is the situation, law schools will be necessary to give these lawyers a start.

I do not know that the speaker on the subject "A Word From the School Room" intends to go through answers to sundry technical legal questions, like the old one: What action would you bring if a tenant for life should hold over after the termination of his estate. But aside from such questions, there are many things to come from the school room of a law school which will be of interest and importance to those of us who have been many years away from such places. We are certainly concerned in the training and character of our sons and the other young men who are to be our competitors and to stand in our places when we are done, and there is no one better qualified to speak to us upon this subject than the next speaker, Professor Henry W. Dunn, who has for sometime been Dean of the Law College of the Iowa State University, and who now, to the regret of those who know him and know of his work, is about to leave the state and return to his former state, Massachusetts. Prof. Henry W. Dunn, of Iowa City.

A WORD FROM THE SCHOOL ROOM

Brethren of the Iowa State Bar Association: As your Toastmaster has just said, I am about to abandon the profession of educating students, and to try again to educate juries. There are many points of difference. One of the most striking is that when you are educating students you have the last word; when you are trying to educate a jury, the jury has the last word.

I have spent two years in Iowa—two happy years. If it had not been for the illness in my family which is the cause of my departure, they would have been two of the happiest years of my

life. In a few days I shall be an Iowan no longer. I have made many friends among you whom I shall not soon forget. It is one of my principal regrets that I have not known more of you and known you sooner and known you better. That is true for many reasons, and one reason prominently in my mind is, because if that were so, more weight would attach to some things that I wish to say before I go. At least you will know, under the circumstances, that in what I shall say I have no axe of my own to grind.

I wish to speak as briefly as I may about the law school with which I have been connected. Possibly you are not particularly interested in that subject. I don't care if you are not, because you ought to be, and that, and the reasons why you ought to be, are chiefly what I wish to say.

Why does the State maintain a law school at public expense? Not certainly to support those who draw salaries there; not certainly for the benefit of the few students who attend it. I have calculated that at the present rate, something less than one per cent of the population would benefit directly and personally by the law school in a generation. The state maintains a law school at the public expense, because the people of the State need competent, learned and well-trained lawyers to transact their legal business; and to make sure that they have them, they have established a public institution for their education. They need them not only in the relation of attorney and client; the people of the State need a trained and competent body of lawyers to aid in the solution of their legislative, economic and social problems.

The speaker of the afternoon has told you, much more ably than I could do, that this is a period when not merely judges and lawyers, but the law itself is on trial. The period of readjustment and change on which, whether we like it or not, the law is now entering, is a critical one. There was never a time when this state and all our states needed more a thoroughly trained bar, and to the best of its ability it is the function of the State law school to supply that need.

That period of change and readjustment will not be over in a

year or two, and the need will remain an important one for a long time to come. If therefore you are interesting yourselves to any extent in the State law school, do not consider that you are doing any favor to the institution. You are merely interesting yourselves in a department of the public service, a branch of the public welfare, just as if you interested yourselves in the public school system, or the regulation of banking, or insurance, or the reform of judicial procedure.

I say, without hesitation, that I think you have now a good law school. I even venture to say that I think you have a better law school than many of you realize. Perhaps you think that sounds like blowing my own horn. If you looked at the matter as I do, you would not think so. Perhaps you think that in a brief two years a man can make a poor law school into a good law school, or can think that he has. I have no such delusion. Before I took up the work, I had perhaps a less adequate conception than I have now, of the scope of the problem which the management of a law school presents. I know now that it is a problem worthy of the best efforts of a lifetime. My relation to what progress may have been made in the last year or two may be illustrated by a story, which I shan't tell for you have all heard it but shall refer to merely for the purpose of illustration. You remember the Irish woman who watched the parade, and who afterward said, "Did you notice my Pat? He was the only man in the whole parade that was kapin' shtep". When I came to that school I found it marching steadily on the forward path, and as I didn't want to be like Pat, I have tried to keep step.

Perhaps I can illustrate it by another story, one told of a certain Senator in a Southern state, at the time the populist movement was most prominent. He had received a letter from his son advising him that the movement had grown strong in his state. He told some of his friends that he thought he would have to go home and look after it. One of them said, "I suppose you will go back there and get at them hard and smash them." "Well, I don't know," he answered, "if all my son says is true, I guess I'll have to jine 'em." That is what I did. I found in that law school a group of men who had studied law schools much

longer than I had, and I "jined 'em." It is to be hoped that I have not been in any way a drag upon the rate of progress since I have been there. So I am not telling you anything in which any credit belongs to me, when I say you have a good law school. It was there, and it was well known many years before I was heard of, and I have been only a humble follower in the footsteps of big men. I have been proud to be connected with that school; and I think you ought to be proud of the school.

But I have not been satisfied, and I think you ought not to be satisfied. I have believed that it was possible to establish here, what would be clearly recognized as the most effective instrument of legal education in the Middle West. I believe that still. In the first place, Iowa is a great state. I doubt if there is any state in the Union whose people are sprung from sounder stock, or whose prosperity rests upon a firmer and more stable foundation. Given those two conditions, the future of the State is in the hands of its citizens, and depends solely upon their public spirit, enterprise, and self-sacrifice.

Going back to the Law School—you have in the first place a student body, furnishing as good raw material as any school could ask. You have there a faculty, well trained, competent, able and devoted. I put the emphasis upon devoted, for I think what counts for more than anything else is the fact that there are no men there who are simply seeking to draw their salaries in comfort. They are men who are looking about and studying all the time to know what is best in law school management, and then to bring it to pass, and who are not sparing themselves when they see an opportunity for improvement. These conditions have in them great possibilities. There will be changes in the faculty next year. Those of you who know the man who is to be at the head of the school—one of your own men, a man who has spent the greater part of his life in legal education, and who has always been a leader in that field—well know that under his administration there will be no halt in progress and no back tracks.

What then is needed from the bar? Two things are needed. First, let me say that the policy of the school has been and is founded upon a recognition of the fact I stated first, namely,

the purpose for which the state maintains it. Starting with that purpose, the policy of the school has been, and is, not to turn out the largest possible number of lawyers, but to turn out the most thoroughly trained group of young men that it is possible under present conditions to produce. We have not hesitated, when we were clearly satisfied that certain students were in the wrong business, that they had not in them the making of the sort of lawyers the state needs, to tell them so. Standards have been raised; entrance requirements have been increased. A great law school does not mean a large law school. The numbers are going to fall off,—not because I am going away, and not because I have been there. The entrance requirements next fall will be one year of college work, and after that two years, and that will cut down the attendance. The increase in standards which has been going on steadily for many years has inevitably some effect upon the numbers. It is quality, not quantity, for which the school is working, and for the reason that it believes that the best service to the state lies in that direction.

Now, there are two ways in which the help of the bar is essential, and for that reason I urge you to interest yourselves in the State law school and to give it your aid. In the first place, wherever there is progress there is sure to be criticism. It is necessary first that the bar understand the lines upon which the school is working, the policy which is directing it, and then that they support that policy and make it understood throughout the state. I have never explained what we are trying to do to any member of the bar who did not give it his cordial support. I do not believe there is any doubt that the State of Iowa wants the best; when it charges certain men with the training of its lawyers, it wants them trained thoroughly, and it wants standards maintained that shall be second to none; and I wish to see that gospel preached all over the state.

There should be an understanding between the school and the bar of what is there being done. I am thankful that the man who is hereafter to be at the head of the school is a man you know, because he will have your confidence and with it your support as a stranger and a new-comer could scarcely expect to have it.

In the second place, there is that sordid but necessary kind of support which comes from money. I will not weary you tonight with any statement in detail of the things that are in contemplation, but I will say to you that if you are to have a law school that fulfils to the greatest possible extent all its opportunities for usefulness, you must have more men on the faculty and more departments, and spend more money than you are spending now; and if you will spend that money you will get dividends. There is, of course, no body of men in the state who can be expected to understand the needs of the school as well as the members of the bar.

Let me say one thing more and say it plainly. I ask you to support your school and its policies; but I ask you to support its policies in general terms and to leave the details to the men who are making a life study of law school management. It is inevitable that there shall be some things, one thing to one man and one thing to another, that will not be understood, and possibly will not be approved. But I am confident that there is nothing being done there, which, if you had the time and patience to go into the problem, you would not be satisfied is done for sufficient reasons, and in the interest of the public good. I believe that whether the ambition I had cherished for the school,—to have it recognized, as I have said, as the most effective instrument of public service in the line of legal education in the Middle West—whether that ambition is to be realized, depends not so much upon anything in the school itself, its faculty or its policy of management, because I believe those are sound, but almost entirely upon the cordial and unquestioning support that the bar, and behind the bar, the people of the state give to the institution. I believe, in other words, that the State of Iowa can have just as good a law school as it wants, and it rests largely with you to say how good a school the state desires.

THE TOASTMASTER: I am sure we all believe we ought to follow the advice of Dean Dunn in these matters which he has just referred to, and I am further well assured we shall all wish him every success in his new home in the east, and we shall hope to see him here again sometime, at these meetings.

It is shown by literary and legal history and biography that there is a very close relation between poetry and law. A great many of our best poets have commenced by studying law, and then abandoned it to write poetry, and of course, no one knows whether they spoiled a good lawyer in doing that or not. But we do know a great many of them become great poets,—like Chaucer, Cowper, Gray, Walter Scott, Campbell, Tom Moore, and our own Longfellow.

On the other hand a good many lawyers commence by writing some poetry and disgust themselves and their friends, and then turning to the law, become very able in that direction. Not many take both lines and continue to follow them. William Blackstone, one of the Justices of His Majesty's Court of Common Pleas, himself descended to poetry and wrote a very elegant farewell to his muse, in which he said: "Welcome business, welcome strife". Probably meaning, welcome fees. But he abandoned the poetical line, I believe.

Knowing this close connection, however, between law and poetry, the program committee thought it would be well to break the usual precedents of these meetings and have some poetry at our Banquet. And so we cast about until we found one who would agree to undertake this task. The next speaker, my friend and partner, represents, in a way, both Burlington and Cedar Rapids, having grown up in the city of Burlington and being now located in Cedar Rapids, and constitutes a part of the tie that binds these two cities. He will undertake to bind the poetical and legal profession for us. His subject is "Heard Out of Court". In the regular Latin phrase that would be *coram non judice*, and therefore without authority and void. Mr. Carl F. Jordan, of Cedar Rapids, will give us this response.

Mr. Toastmaster and Members of the Bar: It is some satisfaction for me to discover, at last, that my partner, Mr. Dawley, sees some slight resemblance between Blackstone and myself. He has never hinted at any such thing before. He suggests that often times a lawyer will try to write verse and that if he fails it is a shame to spoil a good lawyer by making a poor poet. So I take it that if this free verse of mine does not meet with

general approval, there is some chance for me as a poor poet to become a good lawyer.

HEARD OUT OF COURT

In "Verse Liber"

When I first went into a District Court
To try an appeal of moment,
Involving the title to a sow and some pigs
From a Squire's Tribunal sent,
I trembled in awe when before me I saw
The man who decided the mooted law,
The Judge of the District Court.

I wondered then, as you wonder now,
The whence, the wherefore, the why, and how,
Whence came the office, wherefore this man,
How is he chosen and by what plan
Is he selected from all the rest
To fill the place which honors the best,
Which a man must hold before we deem
Him qualified for the Court Supreme?

In a distant part of the court I saw
A man who looked older than the law,
He leaned on a cane and bent his eyes
On the scene with a look of mild surprise,
Which I can not pen and I cannot say,
Though I remember his face today
And see him now as I saw him then,
As I wondered the wherefore, the why and when.

Said I to a friend "Is that aged seer
A judge, a lawyer or layman queer?"
My friend replied "I do not know
If he be Judge or Lawyer, high or low,
No one knows from whence he came,
He has lived and moved and looked the same
As you see him now since before the date

When Iowa first became a State,
His brain is addled, his mind is gone,
But sad to relate his heart beats on."

Just then the Court adjourned for noon
And all but the old man left the room,
So I approached him and took his hand,
While he greeted me in a manner bland.
"In me, you see," the old man said
Stroking his beard and lifting his head,
"A learned Judge who has served his day
In all the courts of Ioway;

"My record runs back to the days before
The State Reports had numbered a score;
I came to the bench in the regular way
That most Judges do—sit down, I pray;
In those good old days this county seat
Was a growing village along one street,
But business was good and lawyers were few
And all had clients and money, too.

"Until one day to our grief intense
The Judge of the District Court went hence,
Without date his court adjourned
To a place from which he ne'er returned,
Leaving us all in a sorry plight,
With our dockets full of fees in sight,
If only an Honorable Court were there
To referee each fighting pair.

"So our county-bar was called with speed
To name a judge in a time of need,
For the Governor would name the man
Selected by us as the custom ran,
For then as now the Judge appointed
Is first by the local bar anointed,
But ever thereafter reëlected
The People's choice, though thus selected.

"At the meeting of the County Bar
The honor was tendered to Lawyer Carr,
Conceded to be the ablest man
Of all the lawyers of our clan,
Who refused because he had to depend
On what he made for money to spend
In keeping the gas in his limousine,
The butcher and baker of friendly mien,
The modiste, the chauffeur, and housemaids too,
Satisfied, pacified, friendly and true.

"The next man suggested was Abner Gray,
The Railroad attorney and Boss of his day,
But he declined saying he could best serve the State
By still guarding the interest of power corporate,
Then he hinted the income he'd have to surrender
Was twice what the honorable office would render.

"So was it with all of our local lights,
None could afford the judge's delights,
None of full ten we asked to sit
Were willing to do it a single bit.
By this time the bar was in great despair
To find a man for the vacant chair;
It was tendered to old, it was offered to young,
To lawyers of fame and to lawyers unsung,
From the ambulance-chaser and widow-consoler,
To the gray haired adviser and fortune-controller;
In vain was it offered, none would agree
To take it, and so it was offered to me;
But just as I started to say I accepted
One gentleman present arose and objected.

"The gentleman said in stating his case
'I hold that for this honored place
We should choose a man all know to be
Well versed in Law and Equity,
Some one of eminence at the bar,

Whose clients hail from near and far,
That the office be the more respected,
Because of the type of man selected.
I have heard you gentlemen one by one
Decline this office and you've done
Just what I would be forced to do
Were it tendered to me, I tell you true,
Because the sum of the salary paid
Is less than the fees of a lawyer of grade,
Of sufficient ability to merit the place
Held in the past by the best of the race.

“ ‘It's the shame of our system, the shame of our State,
That the men on the bench are not of the great,
Lawyers who practice among us today,
Because of the fact that the place doesn't pay' ”—

“But,” said I, interrupting a space,
“You, notwithstanding, were given the place?”
“Oh, yes,” the old man hastened to say,
“Thanks to the wisdom of Abner Gray,
For he straightway silenced all objection
To me as the man of wise selection.

“ ‘I've heard the objections,’ said Abner Gray,
‘No doubt well put, but let me say,
That all the qualities of the great
Are never in one candidate,
Some there are whose brilliant fire
Has been seen afar as they retire
From the active work of their profession
Crave as an ornament the possession
Of the seat the great have held
While others still their coffers swelled
By wealth inherited of old
Will seek the place without the gold;
Some men too whose mental weight
Is not by these men counted great

Still may with honor hold the place,
Because of other means of grace
Such as mark our brother here,
Traits which all of us revere.

“ ‘True it is no golden letters
Mark his office for his betters,
No clients flock from hamlets far
Lighted by his legal star,
No text books bear his name engraved
Upon the page the author saved
For himself to advertise
Publicly that he is wise.
But such as these will sit in court
While you read your best report,
Little heeding all from you,
Already determined what to do,
Then render wisely the decision
Against you fiat and with precision,
Because they draw upon the store
Of knowledge which they had before;
'Gainst our brother here there is no such objection,
He will listen to us with great circumspection,
He takes his seat', Abner here squared his jaw,
'With no preconceived notions of the law'.

“The meeting applauded old Abner Gray,
Whose forceful logic had swept away
The objections of him who objected to me,
So I was elected unanimously;
Thus I was selected from all the rest
To fill the place which honors the best,
Which a man must hold before we deem
Him qualified for the Court Supreme.”

The old man silently wiped his brow
While I pondered the wherefore, the why and how;
As the court came in from the noon recess,

I looked at him and trembled less
Than I did before a man insane
Had made some mooted questions plain—
Would you not smile, had he told these things to you?
Would you not weep, if what he said were true?

THE TOASTMASTER: The next subject is "The Absent". I am not advised whether that means absent members of the bar, or the general public. But our friend from Dubuque, Mr. Louis G. Hurd, will address us on this subject.

THE ABSENT

Mr. Toastmaster and Gentlemen: Ordinarily in arranging a program of this kind, the committee keep in mind those who are present, and those who are absent, not being present, get little consideration. But on this occasion, prompted, perhaps, by the lively campaign for new members for this Association which is going on, they concluded to let the absent ones come once to bat.

Then came the question: "Who is the man in the Association to respond to this toast?" As a toast to "The Ladies" should always be responded to by a ladies' man, and a toast to "Our Country", by a countryman; so the committee thought that a toast to "The Absent" should be responded to by an absent man. They spent quite a while trying to work it out on that theory before they discovered that that thing was physically impossible. They then scanned the minutes of the various meetings this Association had held, and they found I had an absent record which was equalled by few and excelled by none; there had been nineteen meetings of this Association and I had been absent from every one of them. So far, so good. Then they asked: "Who is there in all this Association, whose presence, if he comes, will be nearest his absence?" And I drew that prize, "hands down". So, when they made up their mind to have a toast to "The Absent", it was a foregone conclusion that I was the man to make the response, because, you see, being able to play both ends against the middle, I, like the open-at-both-ends fish trap, which the negro set in the Tombigbee River, "ketched 'em, a comin' and a gwine".

These absent ones—now, who are they—who've been assigned
to me—

The ones for whom I'm to respond—whom we fail here to see?
You first think of our lawyer friends, who're not here to be
dined;

But the subject that's been given me is not to them confined.
I'm free to roam just where I will, as long as I don't stray
Away from those who are not here—from those who've stayed
away.

And to do my stunt in proper form, nor wander from its gist,
I've made an inventory, and I'll read you from my list.

Consulting the aforesaid list, I find, 'way at the top—
Preceding all our lawyer friends who chose at home to stop—
A class of absentees. Oh! may their numbers still increase!
I'm referring to our clients; and I pray they'll never cease
To call upon us often—in vacation—during court—
In season—out of season—'deed, we'll take it as in sport,
If they, some Sunday, learning of some evidence that's new,
Will tiptoe up the aisle in church and call us from our pew.
Let's hope that, on our reaching home, they'll promptly heave
in sight,

With bouncing cash retainers, for our pocket books so light,
And knotty legal problems, our attention to enlist.
In scheduling the absent ones, our clients head my list.

Then, next, I find the lawyer, who is never ready for trial;
Whose most important witness—one who has a mighty pile
Of knowledge of the case in hand—has just been called away,
To plant his dear old mother-in-law, and so refused to stay;
Whose client has a boil, corns, mumps, itch, fits, grip, gripes
or pip;

Who has a date away from home, he can't afford to skip—
A justice case in Supreme Court—a Calf Case in Jones County—
And goes off without seeing you, relying on your bounty;
Who's lousy with excuses, like, "because I've been so busy,"
And begs you for forbearance till you're deaf, dumb, blind, and
dizzy:

In urging a continuance, he'll ne'er cease to persist.
 You don't see this man here tonight—I've got him on my list.

Next, here's the one who borrows books, your text books, digests,
 Cyc,

And, when you want to use your Code, you say, "For the
 love of Mike!

"Has he lugged off my I'wa Code, the shif'less, worthless,
 shack?"

You wouldn't mind the loan of books, if he'd ever bring 'em back.

He carries off the files of court, until he has a pile

As high as that, in his back room; and, with no trace of guile,

When asked for needed papers, will declare he hasn't got 'em,

But, lo, a search of his big pile, unearths them at the bottom;

His habit is so strong that he's unable to resist:

He isn't in this banquet hall—he's right here, on my list.

The lawyer with a temper's next—who's always, always, mad;

Who's mad at his opponent, and at his opponent's dad;

Gets hot at every witness on the other side the case—

You'd think, when cross examining, he'd strike him in the face;

Who wouldn't to save time, admit that Tuesday follows Mon-
 day—

Who'd make you prove, if he but could, the day before was Sun-
 day;

Who, when he tries a doubtful case, and fears that he can't
 win it,

Has got it in for the trial judge; don't hesitate a minute

To charge he's bought by t'other side, at every adverse ruling;

And, should he, later, win his case, will say he was only fooling;

In spreading geniality through life, he'll ne'er assist;

He's dining—*by his lonesome*—so I put him on my list.

The bore's the next one on my list: when he meets you on the
 street,

He grabs you by the coat lapel, for fear that you'll retreat.

He fills your ears, both right and left, with story long and
 strange,

And drones its details o'er and o'er, until you ache for change.
He meets you at the ball game, at the club, or barber shop,
And there repeats his story: will he never, never, stop?
He won't if he can help it; on his story he'll insist;
The bore is not among us; and his name is on my list.

Next on my list appears the man who never pays his bills;
Receives his duns serenely—they're the smallest of his ills;
Forgets he's worn his cred'tor's shoes, drank his coffee or his tea,
Owes him for dry goods, clothing, coal, or a lawyer's well-earned
fee;

It matters not his debt includes his wife's last Easter bonnet,
Her hemstitched 'broidered lingerie, or the fluffy laces on it;
It matters not his cred'tor's needs—his cash stays in his fist;
I *knew* he'd not be here tonight, so I put him on my list.

Then comes the man who pays next week; who always has pre-
text

For fixing for his creditor his date for calling next;
Who can always pay "next Friday", or "say, the third", or
"seventh",

But when one calls upon those days, says, "Call again, the
'leventh";

To whom "next Friday" never comes, nor the "seventh", nor
"leventh", nor "third",

Who'd wear one's shoes and patience out who took him at his
word;

Who pays in the future, always—in the past or present, never;
Who promises so fair today, but would promise thus forever;
Who, sitting in his pew in church, looks saintly, divinely pious,
But, when it comes to paying bills, will lie like Ananias.
When, sending invitations, the committee this man missed;
They did the thing on purpose—so's to get him on my list.

Then, here's the purely selfish man, whose god is his own self—
Cares not a whoop for you or me; who, in his greed for pelf,
Has nerve to covet all there is, and gall to try to get it;
Who'd let the whole world starve and freeze to benefit his pocket;

Whose style of life is 2 by 4—no broader life he “axes”—
 Three-fourths of all he spends each year is what he pays in taxes;
 A traction engine, ten-mule team and a red-hot mustard plaster
 Would fail to draw him from his rut, or make him move the faster;

For public weal, he has no thought—for its good or for its evil;
 He wouldn't give a cent to help the worthiest poor devil;
 To other's rights, gives no more heed than the Sultan of Zulu;
 Has no more pride in his home town than he has in Kalamazoo;
 He won't become a member of its civic federation;
 Says, “Let it and the town go straight to hell and to damnation;”
 Were he a Burlingtonian, he'd be so p'ison mean,
 He'd care no more for Burlington than he did for Muscatine;
 (I pause to make the side remark, he'd be a *son* of a gun
 To be in love with Muscatine, as much as with Burlington).
 No baby's hug should e'er be his; nor should his lips be kissed
 By sweetheart, or by loving wife. He belongs upon my list.

Next comes old Daddy Know-it-all. When any subject's named,
 He instantly shoots off his mouth, no matter which way aimed.
 He knows all countries, men and things, from the pope to Billy
 Kearsands—

From Greenland's icy mountains, clear to India's coral strands.
 Ask, How much money's in the world? Why's the ocean salt and
 blue?

How's the parasol trade in Baffin's Bay; or the fur, in Tim-
 buktu?

What is the fourth dimension? And what is the milky way?
 What's ice a pound beyond the Styx? Who's mayor of Mandalay?
 What is the exact distance from Beersheba to Dan?
 Who is't whom Rudyard Kipling calls a first class fighting man?
 Why do men wait till the horse is gone, before they lock the
 stable?

Whence came the queries, “What d'ye know 'bout that?”
 And, “Aint it awful, Mabel?”

How doth the little busy bee? Please name the wife of Cain.
 Who broke the bank at Monte Carlo? What blew up the Maine?
 How many stars are in the sky? Or trays in an el'phant's trunk?

Which would you sooner be tackled by, a burglar or a skunk?
What is a geezer? What's a guy? How big's a pound of smoke?
What was the name of Baalam's ass, that ope'd its mouth and spoke?

What were the colors of Joseph's coat? And 'f Adam's old off ox?

Which club will win more games this year, the Cubs or Commy's Sox?

Why is a streak of lightning forked? What makes a candle flicker?

Which is nearer to a laugh, a giggle or a snicker?

When the plug is pulled from a washbowl vent, why does the water whirl?

When the stork makes its next call on you, will it leave a boy, or girl?

He'll quickly answer, prompt and pat; won't hesitate a minute,
To spiel most glibly through his hat, on a head with nothing in it.
If that old fraud is round this board, let him stand up and be hissed.

Don't rubber—he'll not do it. Look; I've got him on my list.

Then there's the gossip, slanderer, a type you often meet,
Who's eager for a scandal which he hastens to repeat:
The blanked, persistent borrower, whose frequent, "Lend me five,"

Is his sole source of revenue—that's how he keeps alive:
The monumental, picturesque, and highly polished liar,
Who wouldn't tell the truth to win a bet, or stop a fire;
The chronic office-seeker, who is always in the race:
The man who smokes a two-for-five, and puffs it in your face:
The man who spoils your story, with, "I heard that years ago:"
The man who's selling tickets and, for answer, won't take, "No":
The man who stands behind you, when you're sitting down to write,

And rubbers o'er your shoulder, so's to read the words in sight;
The man who, in the the'ter, when a scene is on the stage,
Keeps tongue and chin both wagging, till all 'round are in a rage:
The man whose talk is always loud, and theme is "I" or "me",

And interlards his drivel with, "D'ye understand?" and,
"See!"

The grouch, who 't all things, men and gods, down here, *up there*,
is sore,

To whom all things are upside down, or else hinderside before:

Who kicks at markets, trade and crops—can always pick a flaw

In science, art, theology, fate, politics and law;

Who never has a remedy, who'll never lend a hand

To right the wrongs he grumbles at, so loud's to beat the band—

Sees faults in all the common-place conditions which exist:

You can't find these men here tonight, except upon my list.

These comprise some of the classes of the absent for whom I speak. What shall I say for or of them? This: As they are absent from this gathering tonight, so may they, every mother's son of 'em, except our clients, always be absent from any gathering of which any of you are a part. May the man who, in his transactions and associations with his fellow men, is not actuated by that broad spirit of fairness which forces recognition and observance of, and yielding to, the rights of others, in the fullest sense of those words, be and remain absent from each of you, now, henceforth and forevermore.

But there are other classes of absent ones, on whose behalf I shall not attempt to speak. Among them is a class whose presence among us tonight would be unnoticed by us collectively, but would be mountains of gladness to us individually: not *our* absent ones, but *your* absent ones, and *your* absent ones, and *your* absent ones, and *my* absent ones. Some of them are separated from us by miles and miles of mountain, hill and dale, and leagues of dreary watery waste: others, by walls, not visible to the eye nor capable of touch, that are measured not in miles or leagues, nor in hours of travel. I shall not undertake to respond for them. Speech cannot do that. Speech is not needed to do that. Each of those absent ones must, in his own language, to be heard only by the one to whom it is addressed, respond for himself or herself. And, ere we pass from this sentiment, may there come to each of you a message of love and tenderness and sweet memories of the past, from that absent heart, whose in-

visible and intangible bond with your heart cannot be broken, by time, or space, or death: not in life—neither in eternity.

THE TOASTMASTER: If all of the time which our poetical friend has gained by his absence from our meetings has been devoted to the preparation of this entertainment he has given us, he has fully excused said absence in this Association, and it ought to set him down as a permanent part of our program at future meetings, so that he may be stricken from the absent list forever more.

When the next member upon the program was asked to make a response at this meeting, he was not then prepared to make up his mind whether he would give it to us in prose or poetry, or what subject or diversity of subjects he would undertake to entertain and enlighten us upon. Accordingly he has left me entirely in the dark as to the appropriate way in which I should introduce his subject to you. I shall leave that to him,—Mr. Charles E. Pickett, of Waterloo.

REMARKS

Mr. Chairman and Gentlemen of the Bar Association: When I received the invitation from your committee, kindly inviting me to participate in this evening's program, I was unable to select a subject and, as a matter of fact, I am still laboring under the same difficulty.

Having been admonished in the letter conveying the invitation that a limit of eight minutes was placed on all responses and cheerfully conceding both the wisdom and comfort of the rule, I will suggest but a single thought of possible interest to our profession.

The lawyer is a citizen-plus. As an officer of the court he is in a sense a quasi public official, and in a still higher sense he should be the guardian and protector of our institutions. Our profession has occupied a conspicuous place in the work of creating our Republic as well as in its preservation. It is not my purpose to refer to our contributions to the many agencies which have guided our destiny thus far, but rather to the duty of the lay member as distinguished from those who have been promoted or demoted, as the case may be, from the ranks of the Bar to so-called public office.

The obligation resting on every citizen calls for more than an indifferent exercise of his right of suffrage. There is an affirmative duty to contribute the best that is in him to the common good. How much stronger is the duty resting on the lawyer, whose study of the law which embraces the government under which we live and its relations to society—individually as well as collectively—whose teachings of obedience to constituted authority and respect for orderly procedure, whose education which reaches out through history and literature into the life of nations and whose lives are spent, as Lord Coke would observe, "Within the gladsome light of jurisprudence", peculiarly equip them to serve as the conservators of the principles on which our system of government rests.

A remarkable readjustment has taken place during the past few years. Laws and legal principles hoary with age have been rewritten to conform to modern conditions. Many of the reforms which led to the legislation appealed to the interest of classes. They were issues before they become laws and an opportunity was afforded for issue makers in all parties to take advantage of the situation for personal preferment. It is an incident to all reform movements that once under headway they sweep on far beyond the original designs. It is in such movements that the legal profession can exercise a most important function in analyzing plausible theories; pointing out the danger that will ultimately result and guiding aright the thoughts and actions of the people. History justifies the observation that lawyers have always been both the most progressive as well as conservative force in civilization. They have been a part of the people and have risen through the people and by virtue of the peculiar relationship they sustain to their clientele, are generally in sympathy with the masses and always quick and alert to serve them, while at the same time they give due weight to the wisdom of experience and realize the necessity of the law of self-restraint.

They understand that this is a government of law. That you cannot conceive of liberty without law. That we must have fundamental laws to which others yield. That these fundamental laws must be safeguarded from impulsive or hasty action. That

there are certain basic principles on which our system of government rests which, if undermined, may imperil the destiny of the Republic.

The members of our profession have taken a leading part in all truly forward movements. This was notably true during the recent era to which I refer. They have and they should exercise a potent influence when it comes to measures which o'er leap the limits of true progress and in any degree imperil the underlying principles of our institutions by pointing out, as suggested, the ultimate results that will ensue.

Lincoln's rule has always appealed to me as a sound guide. He said:

I do not mean to say that we are bound to follow implicitly in whatever our fathers did. To do so would be to discard all the lights of experience—to reject all progress, all improvement. What I do say is that if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive and argument so clear that even their great authority fairly considered and weighed can not stand.

If the people would approach the consideration of vital questions in the spirit expressed by Lincoln, there need be no fear for the future. I have faith in the ultimate judgment of the people.

There is little, if any, difference of opinion among the members of our profession on what is popularly called the Judicial Recall. It is urged in various forms. By some it would apply to judges; by others to judicial decisions and by some limited to decisions on constitutional questions. Any of these plans would be destructive of the very purpose of the judiciary as it was originally intended and would, in the last analysis, eliminate the judiciary as an independent and coördinate department of our government. The moment judges are recalled because their decisions prove unpopular and the crowd substituted for the court or jury, or, taking it from the other angle, the moment decisions involving a constitutional construction are affirmed or reversed by a popular referendum, the Constitution would be no Constitution, for that moment its safeguards would be torn down. There would be no more respect for decisions thus rendered than is now afforded to the result of a popular election. The lawyer understands the theory and the function of the

Constitution and the distinction between a Constitution and a statute. It has been observed that "A Constitution stands from generation to generation while statutes stand from year to year."

Closely akin to the Recall is the so-called Initiative and Referendum, which, in the form and to the extent urged by some, would commit the niceties and refinements of legislation to the mass meeting, the street corner debate or a head-lined press and destroy the representative theory on which our government is predicated. Upon these matters, as suggested, there is and can be but little difference of opinion among the members of the Bar or of the Bench. And I refer to them now only for the purpose of calling attention to the duty which we, as lawyers, owe to the state and to society; that is, an affirmative, aggressive, vigilant and never-ceasing duty to counsel and inform our fellow citizens of the ultimate effect of such measures on the fundamental principles of our government and to admonish them to move with caution when dealing with the bulwarks of our liberty.

What I have said is simply preliminary to the single suggestion which I desire to make and that is; that as Members of the Bar, we owe it to ourselves, to our Association, and to our country to exercise the spirit, which my friend O'Connor referred to—COURAGE—in the discharge of our duty as members of the Bar. We expect, yes, we demand it from the Bench. From time immemorial the judge who has been subservient, either to appointive power or popular majority, has met with severe condemnation. The judge who holds an honored place in the history and traditions of our profession is the judge who stands erect with the moral courage to do his judicial duty. In conclusion, I leave this thought with you: What we require of the Bench, we should exact from ourselves.

THE TOASTMASTER: I am sure we should all regret very much to part with Professor Pound this evening without hearing again from him, after listening to the magnificent paper which he gave us this afternoon. He has kindly consented, and I will call upon him for a few remarks.

RESPONSE BY PROFESSOR POUND

Mr. President and Gentlemen of the Iowa Bar Association:

I once had to prosecute a colored congregation, whose devotions,

protracted until two or three o'clock in the morning, became so vociferous and involved so many personal encounters after midnight as to require a prosecution for disorderly conduct. The principal witness for the accused, who testified that all of the proceedings were strictly of a religious character and were orderly in every way, was the colored clergyman. When it came time to cross-examine him, as I had been advised by those back of the prosecution that he was a bogus clergyman, the first question I asked was: "When and where were you ordained?" He delivered an eloquent speech for some fifteen minutes about his work as "one ob de Lord's poor servants," but said nothing upon the question. I repeated the question, "When and where were you ordained?" He spoke again at great length about the trials and tribulations of his career in the ministry, but did not answer the question. I asked the question for the third time, and after the Court had admonished him that he must answer it, he replied: "Well, Mr. Pound, de fact am I'se been exhortin' nigh on to twelve years. But I'se nebber been a regular licentious preacher."

As I am not a regular "licentious" member of this program, I feel licensed to speak upon anything that comes uppermost, and, after listening to what has been said this evening, what comes uppermost is to say something of the future of our common law.

In the cowboy version of Shakespeare, Mark Antony, in his speech over the dead body of Caesar is made to say: "Well, boys, we didn't come here to praise Caesar, but to bury the son of a — gun." That seems to be the attitude of the day when men discuss the common law. The common law today is wrestling with many difficulties. Let us look at some of them.

The common law is a body of law formulated by Judges and administered by Judges and lawyers. Hence it depends on Bench and Bar for its life. One serious difficulty, therefore, is the attitude of the laity toward the lawyer. You know the lay tradition as to the lawyer. Mike Monaghan, the legal Mr. Dooley, rhymes lawyer with liar. He tells us that the function of the Probate Court is to see to it that "ivery mimber of the bair gits a fair chanet at phwat the dicaysed couldn't take wid him." Not only is there a lay tradition of the lawyer as a quibbling,

grasping pettifogger, willing to take any side of anything, but the layman seems disposed by tradition to believe that nothing can be too absurd, too mechanical, too out of accord with everyday life to be the law of the land.

In its origin, this lay tradition was a result of clerical jealousy of the rising profession of non-clerical lawyers in the Middle Ages. We must remember that at first the administration of justice and the practice of advising litigants and of advocacy were in the hands of the clergy. Naturally the clergy did not relinquish the practice of the law without a protest, and this protest could be made *ex cathedra* to credulous congregations in the name of religion and of sound morals. How indeed could the members of the pernicious legal profession be anything but parasites upon society and corrupters of the law when they were taking away from Brother Peter and Brother Bartholomew one of the chief sources of their revenue?

Presently a new situation arose to reinforce this jealousy of the lawyer. Down to the Reformation the great offices of state had been the perquisites of the clergy. Clergymen had shared the reins of government at most only with soldiers. In all departments of governmental activity that had to do with the affairs of peace, they had been supreme. When they found a rival once more in the lawyer, and when this rival pushed them out of one after another of the great offices of state, the pious clergyman could perceive clearly the peril to religion and to sound morals which the change involved. Martin Luther advised that all lawyers be baked into a cake and all jurists be brewed into a drink, in which forms he thought they might possibly be of some use to society.

In America this bit of history was repeated in such way as to give new vitality to the twelfth-century clerical tradition. In New England the clergy were supreme throughout the seventeenth century. Where today a question is one of law,—does a proposed measure accord with the Constitution, which is the supreme law of the land,—then the question was one of theology,—does the measure accord with the word of God? In 1636 Massachusetts put three clergymen on the commission to provide a set of statutes and directed that the draft be prepared “agree-

able to the word of God." But if colonial America was the period of the clergyman, nineteenth-century America was the period of the lawyer. In nineteenth-century politics the sole rival of the lawyer was the soldier. It could not be expected that this passing of the hegemony from the pulpit to the Bar would be acceptable to the learned and eloquent profession which was displaced. With their books full of the echoes of Luther's diatribes, it was natural that the clergy should view the rise of the lawyer as a triumph of the material over the spiritual, a sacrifice of justice and right to the greed and craft of a parasitic class. Today new professions have arisen and are contesting for the primacy. They too derive much comfort from the lay tradition. When the tradition invented by twelfth-century priests and monks is forgotten, it will mean that anarchy or the millennium has obviated the social need for law and government.

Another obstacle in the path of the common law today is the huge mass of legislation which pours forth year by year in our several jurisdictions. In particular, this seems to threaten the unity of our Anglo-American law. And yet the mark which all this legislative effort actually makes upon the administration of justice according to law is relatively light and ephemeral. In a State not a thousand miles off, there was a statute, not many years ago, in these words: "It shall be unlawful for any person or persons in this State to discharge any loaded firearm or firearms in, along or upon any public road or highway except for the purpose of killing some noxious or dangerous animal or an officer in the pursuit of his duty."

Well, after all, when we look at the statute book we need not be greatly alarmed at the volume of legislation.

A matter of more moment is the movement away from law, the movement for justice without law, the turning to administrative absolutism that is going on all about us. There is a general distaste for what is called legalism, a feeling that the law is too thorough, too deliberate and thus too slow; that it is too anxious to get at the exact facts and seeks by elaborate and laborious methods of proof to establish what everyone else has arrived at easily and satisfactorily by reading his morning paper. Hence we are referring nearly everything to boards and com-

missions which are expected to act summarily unencumbered by many rules.

The other day I had occasion to read an investigation of the workings of a workmen's compensation act. All the witnesses held that the act was largely failing of effect through the decisions of Courts. They complained of "legalism". One witness was the agent of an insurance company. He told of a case in which an employee, while at his work, heard some commotion overhead and on looking up, saw a flying machine. While he was gazing at this novel sight, he was struck by a traveling crane and seriously injured. The Court held that he could recover under the act. Such a result the witness considered was mere legalism, as it made the insurance company pay for the fault of the employee. The next witness was one of the commission charged with enforcement of the law. While he did not agree with the first witness in any other respect, they were in complete accord in denouncing the "mere legalism" of the Courts. The decision to which he objected was this. An employee had shown up at his work intoxicated and, as it was not his first offense, had been paid off and discharged. On his way home he stopped in at several places to celebrate his discharge and when he emerged from the last one he was run into by a street car and severely injured. The Courts had decided that the street railway company could not be held for the injury which befell him while walking the streets in what Mulvaney calls "a glorious shtate of shplendor" and that the former employer could not be held because the relation had been rightfully terminated prior to the injury. Such a result, which left the claimant with no job and no compensation—with nothing, in fact, but the bad taste left over from his celebration—seemed to the commissioner mere legalism. It prevented the benevolent commission from making some one pay for the accident.

Next a social worker came upon the stand. She too could relate a case of legalism. A man in whose family she was interested, had read an advertisement to the effect that work might be had at a certain factory. While he was on his way there in search of a job, he was run over by a fire engine and was killed. It seems the Court had held that no relation of employment had

yet arisen, and on this technicality, the product of a merely legal view of the matter, the manufacturing company was not required to compensate the family. If, she said, the law is to be administered on such a narrow basis, the beneficent purposes of the act will be defeated.

Very likely for a season the mere legalism that seeks to put some principle behind a series of decisions, that decides cases by the head rather than by the heart, is out of date. There is nothing new in such movements away from law. Legal history is full of them. In the end men come back to law, and the sole effect is to make the law more liberal.

In my native State some years ago there was a populist legislature. Few of the statesmen who sat therein had had any experience of such affairs and sometimes their proceedings resulted more in diversion than in law-making. On one occasion an honorable member arose and caught the speaker's eye. He pointed to the desk in front of him and said: "Mr. Speaker, I rise to a point of order. There is no ink in the bottles." The speaker looked at him dazedly for a moment, when he rose once more and said: "Mr. Speaker, I rise to another point of order. There is ink in the bottles, but it's froze."

There are times when the good ink of law and of legal principle becomes "froze" and some hot water has to be poured in from without to thaw it.

In the sixteenth and seventeenth centuries this hot water was poured in by the Chancellor. In one case in the former century, the Chancellor had before him an executor who had taken advantage of his legal title to waste the goods of the estate. He said: "I know well that the law of this Court is none other than the law of God. And the law of God is that an executor shall not waste the goods. And if he do and make not amends, *il sera damné* in hell." That Chancellor had no use for legalism. But out of such things arose our great system of equity. In like manner we may believe that out of the present chaos of commissions and of executive justice a branch of the law will grow up which will be as much a part of the common law as our Anglo-American equity.

The common law has more to fear from what is going on in the

house of its friends. I confess none of the things of which I have spoken trouble me as much, when I think of the future of the law, as does a sort of legal particularism that has waxed very strong in this country in the last generation. I refer to the feeling that the common law, instead of being a law of the world, a universal system of the English-speaking peoples, is something that can be settled for itself within the narrow limits of some particular jurisdiction; the notion that there is something sacrosanct about the local case law and the peculiar local rules which it has developed, and that it is a merit for each tribunal to construct its own body of doctrine, based on the examination of its own precedents and to shut its eyes except in unusual cases to what is going on in the great world of Anglo-American Courts. I need name no names. You will recall at once more than one great State of the Union whose Judges seem to be proud of established anomalies because they are local products and so far from seeking to restrain or abate them appear to take pleasure in giving them effect and even developing their logical consequences as if they were a precious local possession. We must not forget that the common law is the experience of English-speaking peoples in administering justice. We are not to say, "the principles of the law of Iowa are the common law." Rather we should say, "the principles which have grown out of the juridical and judicial experience of our race are the common law and these principles are the law of Iowa."

Hence to preserve our common law, to make it for the future the living instrument of justice which it has been in the past, we must treat it as American Judges of the first half of the last century treated it, in the classical period of American law, when they put it beside the law of Rome as a law of the world. When developed and administered in this fashion, our law merits the encomium of one of the masters of legal science—"So venerable, so majestic is this living temple of justice, this immemorial and yet freshly-growing fabric of our common law, that the least of us is proud who may point to so much as one stone thereof and say, 'the work of my hands is there.'"

THE TOASTMASTER: It is still early in the evening, and having obtained consent of Mr. C. C. Clark of the Burlington Bar, I will ask him to address us on this occasion:

RESPONSE BY MR. C. C. CLARK

May it please the Court: Gentlemen of the Jury. You were doubtless surprised to find when the end of the official list of toasts was reached, that after all the real end was not in sight. You were, however, not more surprised than I was late this afternoon. A friend said "Mr. Dawley wants to see you." With a light heart and unaccusing conscience I sought the gentleman and was dumbfounded to learn that a short talk would be in order at the banquet then some one and a half hours off but was comforted by the assurance that I needn't talk long, "perhaps three minutes will be enough."

When we had our local bar meeting some two weeks ago the president impressed it upon us that the members of the State Association were reasonable gentlemen and therefore whatever they asked for we should grant. So of course I succumbed to the persuasive talk of Mr. Dawley who must be a power before a jury unless perchance what a gold brick artist once told me is true, that lawyers are easy. Now if I hadn't gone on that boat ride I might have escaped but being pretty thoroughly Presbyterianized from having sung in a church of that denomination in my impressionable youth, I can now clearly see it was foreordained whether "from the foundation of the world" we won't hazard a guess. I had signs enough to have scared off a reasonably prudent man. The new moon had appeared over my left shoulder and hurrying to the boat a black cat ran across my path, a cross-eyed woman looked my way and at the gang plank I stumbled, but blind to signs or, as I now clearly see, doomed in spite of them, I rushed on fate in the person of Mr. Dawley. *Hinc illae lacrimae.*

Mr. Dunn said tonight that he had spent two years, two happy years in Iowa. If he had lived in Burlington he would not have had to qualify by the word happy, for all years spent here bear that brand. So far as our city and citizens are concerned, I can but voice the universal expression that we are mighty glad to see you here. We believe in ourselves, that we have an abiding place and abiders unsurpassed anywhere, which may sound strong but 'tis easy proven. It isn't often, however, that we have

a bunch of visitors who have made so favorable an impression as you have and we sincerely trust that you like us so well that you will come again and stay longer. Our doors will have no bolts and the lock will be taken off the refrigerator.

We do feel a little chagrined, however, at the accident which befell Judge Weaver this afternoon when the boom of the gang plank broke and struck him but we are very happy it was not more serious. It occasioned regret and we could not feel sorer had it happened to one of our own. There was a time a good many years ago when perhaps an accident to the Supreme Court would not have been viewed with alarm, Those were the palmy days of first enforcement of the prohibition law when that Court with sickening regularity was grinding out decisions which as regularly knocked out of commission businesses which had been running so long that they believed the statutes of repose certainly applied to them. But that is all past and gone, we have accommodated ourselves to the new order of things, are running strictly on the moon schedule and being perfectly normal and sanely progressive, view the accident with keenest regret. But this fall when the people have spoken and Judge Weaver has been declared his own successor we beg him to remember that he was in Burlington when the boom first struck him.

Father Martin, an Indiana priest, tells of having a parish where the church is at the edge of a ball field and where the boys sometimes forget their religious duties far enough to engage in a game Sunday mornings. A few weeks ago the Father was bringing to a climax a carefully prepared sermon and in fervid tones exclaimed "My hearers, what shall we do to be saved?" A loud voice from the field yelled, "Slide, damn you, slide." My three minutes, Mr. Toastmaster, have I'm sure fully expired and with your kind permission I'll "slide."

THE TOASTMASTER: In conclusion, on behalf of the Program Committee, as well as the members present, I wish to thank all of those who contributed to our entertainment and instruction this evening.

FRIDAY FORENOON SESSION

9:30 O'CLOCK, A. M.

THE PRESIDENT: The meeting will please be in order. The first matter in order is the unfinished work of the Committee on the Torrens Land Title System, by Mr. O. P. Myers.

MR. MYERS: I desire, in the first place, to say that this report is signed by all of the committee. Senator Clarkson being on that committee, concurs in all of it, except one clause, in regard to chattel mortgages, and that he does not object to, except that he said he wished to consider it further. With that exception the entire report is concurred in by the entire committee.

REPORT OF COMMITTEE TO INVESTIGATE THE TORRENS OR OTHER LAND TITLE SYSTEM

To the Iowa State Bar Association:

Your committee to investigate the Torrens or other land title system, respectfully reports as follows:

I

Some of the main evils in our present recording land system that many are trying to remedy, are the following:

a. The great expense of abstracts of title—with constant future increase. Continuing examinations over all the past with continuing expense. Unofficial examinations and quieting title suits that need to be reexamined with every transfer.

b. The present liability of abstracters does not run with the land; but is good only to the one employing them. Many abstracters have uncertain financial standing. Old abstracts are no protection to new buyers.

c. Our forms for conveyances are too long, with so many useless parts, and requiring so many expensive books.

d. We have only a Name-Index in the recording office, while a Section-Index would be an abstract in itself and a strong corrective.

e. Heirship and land-titles in estates are now uncertain and left without definite decree.

f. There is no definite state supervision or limitations as to conveyancers, surveyors, recorders, and abstracters.

g. There are too many places for liens, taxes, and assessments.

II

Your committee further reports that the Torrens System of Land Titles was first formulated into law about 1857 by Sir Robert Torrens in Australia. It is in partial-optional use in several English Colonies including Canada; but its study in foreign countries would serve little purpose, because of the many different constitutional questions arising in the United States. During the last fifteen to twenty years much attention has been given to modified forms of it in several of our States. Such modified forms of this Torrens system are now in partial and optional use in Massachusetts, Illinois, Minnesota, Oregon, New York, Colorado, and North Carolina. Ohio has passed the law to take effect this July 1st. Under most of these statutes, the law is optional, and comparatively little land is brought under it. Much opposition is made by abstracters and title guaranty companies. While there are somewhat conflicting reports, the law appears to be making progress in Massachusetts, Oregon, Illinois, and Minnesota. The Supreme Courts of Massachusetts, Illinois, Colorado, and Minnesota have upheld the constitutionality of their respective Torrens statutes as to the original or initial registration therein; but certain questions as to subsequent transfers have not been fully passed upon. The basic principle of this Torrens System is the securing and registration of a conclusive and indefeasible certificate of title. In Massachusetts, a special Land Court was established; but in the other States the usual lower Courts of record are used. This is not the place for details, which differ very much in the said several States. In a general way, the proceedings are as follows: An application is made by the owner to the Court; title is examined by an official examiner; due notice given; trial had, decree, and certificate registered with right of appeal; certificate *prima facie* within certain time, and thereafter conclusive as to all matters therein; subsequent transfers are effected by bringing new deed and old certificate to registrar, who cancels the old and issues new certificate. Guaranty fund to indemnify losses.

There appears to be a determined effort in many States to do away with the useless and increasing burden and expense of long abstracts and their frequent, costly, and inconclusive examinations.

III

Your committee would therefore recommend the following:

a. That abstracters should be bonded, and that their liability should run with the land; that compulsory short forms of conveyances should be required, and that chattel mortgages and transient forms should be filed and not recorded. And that recorders should keep Section-Indexes as well as Name-Indexes.

b. That there should be some proper and efficient State supervision and examination of conveyancers, surveyors, abstracters and recorders; and there should be one place and one place only for all liens, transfers, and assessments of every nature, and that place should be the recorder's office. That photographic recording and copying in all county offices should be carefully investigated.

c. That there should be an official quieting title suit provided, with small but efficient cost as may be, wherein the final decree, on due notice, and after due process and reasonable time limitations, shall be absolute, conclusive and indefeasible; and back of which decree no examination or abstract need go as the statute should provide such decree to have the force of a new State patent and be taken as a marketable title. And estates should be required to do this to absolutely determine the heirs and shares and succession.

d. That, because under the holdings of the several Supreme Courts of the said States, and the Supreme Court of the United States, such decree would bind the world, and conforms closely to the initial or original registration of the said modified Torrens statutes, your committee would recommend the thorough examination of the initial-registration part of such Torrens statutes as a suitable basis for such quieting title suit. And—

e. That inasmuch as our investigation has necessarily been limited, and inasmuch as this entire subject of the Torrens Land Title System embraces matters of extraordinary importance to every citizen, and in order that any measure that may hereafter be adopted shall be based upon fullest information that may be had with reference to the best forms of such statutes and upon the experience of other States in the application of the system, your committee would finally recommend that this Association urge upon the attention of our next General Assembly the appointment of a Commission to fully investigate the entire subject here reported upon and formulate such bill with reference thereto as such Commission may deem advisable.

Respectfully submitted,

O. P. MYERS, *Chairman*,
JOHN T. CLARKSON,
C. H. VAN LAW,
U. G. WHITNEY,
CHAS. E. SCHOLZ,
Committee.

I move the adoption of the report, and the final recommendation of the committee.

The motion to adopt was duly seconded and carried.

THE PRESIDENT: Is the Committee on Legal Education and Admission to the Bar ready to report?

REPORT OF COMMITTEE ON LEGAL EDUCATION AND ADMISSION
TO THE BAR

JUSTICE SCOTT M. LADD: The Committee on Legal Education and Admission to the Bar have three recommendations to make. The first is this:

Be it Resolved, by the State Bar Association of Iowa, that the Law Schools of this State should provide a course of instruction on the subjects of Federal Practice and Procedure and Jurisdiction of the Federal Courts and that applicants for admission to the Bar of this State be examined upon these subjects.

The second recommendation is this:

That the statute be so amended that a person admitted to the Bar in other States may be admitted to the Bar in this State on motion only upon a showing that he has engaged in the practice of law at least three years in such other State, and that his application, accompanied by a satisfactory showing thereof, and of good character, accompanied with a certificate as to such facts, of the Judge of the *nisi prius* Court of the county wherein the applicant has practiced, be filed with the Attorney General of the State at least sixty days before motion for admission is presented to the Court.

I would say, in this connection, that is the rule in all but a very few States in the Union.

The third recommendation is as follows:

The committee recommends that the rules governing admission to the Bar be so amended that candidates who pursue their studies in the office of an attorney or a Judge, will be required to register with the Attorney General at the beginning of their period of study, and to submit at that time their proofs of preliminary education; and that where an examination is necessary to establish such preliminary education, such examination be given at the next regular meeting of the Examiners after the candidate files his registration. Suitable provision might be made for *nunc pro tunc* registration in exceptional cases, to prevent unreasonable hardship. The candidate should state at the time of registration in what office and under whose direction he intends to study, and upon changing thereafter to the office of any other attorney or Judge, should be required to give to the Attorney General prompt notice of such change.

There are several reasons for these recommendations, and the matter is so fully stated in the propositions that I shall not discuss them at this time. To get them before the Association, I move you, Mr. President, that these recommendations be adopted.

MR. M. F. HEALY: I desire to move, that the first recommendation requiring Law Schools to give instruction in Federal Practice, be laid upon the table.

I do not think, with all the troubles now incident to a young lawyer, that he should be required before admission into the Justice Court to earn a living, to become familiar with a practice which takes long years to master. I speak from experience, and the memory of a long nine months it took me, in which I earned fifty cents, to get into the Justice Court.

MR. A. T. WALLACE: I move you that the report be separated and each resolution be acted upon separately.

THE PRESIDENT: I think the motion to lay on the table the first recommendation is the first in order.

JUSTICE LADD: The recommendation concerning which this motion is made, was presented by Mr. Sargent, who was unable to remain here. I think I can state briefly the reason. Often an attorney shortly after he is admitted to the Bar has very important matters to present. It was thought by the committee that he ought to know something about the jurisdiction of the Federal Courts, and also of the State Courts, so that he could best determine what might be most desirable for the protection of the interests of his client. I think every practitioner understands there are some advantages to be had by some trials in the Federal Court, and others in the State Courts. Every man who is admitted to the Bar ought to have some education on this subject so as to fairly determine for his client what forum he will choose in the litigation in his charge.

MR. W. M. WALKER: I ask a question of privilege. Does the motion to lay on the table carry with it the entire report?

THE PRESIDENT: We discuss that separately.

SENATOR C. G. SAUNDERS: It seems to me it would be a mistake to lay this recommendation on the table or defeat it. At the time

my brother entered upon the practice, I take it, we did not have the present bankruptcy system. We all know the first class of law business the young lawyer pursues is that of collections, and the young attorney is very apt to find within a few months after he enters upon the practice, in some of his collections, he has proceedings in bankruptcy to deal with, which takes him at once into the Federal Court. Of course, I do not understand this recommendation to mean, that he is to devote his career of three years to the Federal practice. I think the student would be very much benefited by a three or six months course in Federal Procedure. I think it would be a great mistake to lay this recommendation upon the table, because I think every young man should know something about the Federal practice.

ATTORNEY-GENERAL GEORGE COSSON: I feel I ought to say something about this question. I will give you a little illustration of what happened at the last examination. I will not tell which school the law student came from. In the oral examination I asked one of the brightest students in the class in what method he would attack the constitutionality of a question. He said he would go into the District Court of the State. I asked him if there was any other method open, if he was relying on the Federal Constitution. He said he didn't know, but he thought, perhaps the Supreme Court would have jurisdiction. Then I asked him if he would file a petition with the Clerk of the Supreme Court of the United States, and he said that is what he would do.

The Federal Government under the commerce clause has just as much police power on almost all forms of trouble as the State government and the attorney should be able to determine where to file his petition.

We are not here asking for six months or three months of study of these questions. The student ought to have at least some elements of the Federal Procedure. In giving examinations from year to year, every member of that board has at least felt that the student should have some of the elements of the Federal Practice, leaving it to the Legislature how long the course of study should be.

SENATOR C. H. VAN LAW: It has been suggested that under the

extension of the interstate commerce law the attorney should know whether or not the Federal Court has jurisdiction or the justice of the peace, in every little twenty-five dollar claim that comes to his office. I think, in our fifty-cent practice, it stands us in hand to know something about the exceptions and limitations of the Federal jurisdiction.

MR. HEALY: As I understood the recommendation, it was obligatory, and it is made a condition for admission to the Bar that the student have that instruction. That is my understanding of it.

I say again, that a student for admission to the Bar has a thousand subjects upon which he will find it practicable to inform himself, rather than upon the Federal Practice. I know that it is common and usual for a law student just admitted to the practice of the law in the State and Federal Courts to consult older practitioners when these questions come up. He ordinarily does not get into the Federal Court for years, and to say that he cannot be admitted to the practice of law, unless he has had instruction in the rules of Federal Practice is putting the young man under a great disadvantage.

THE PRESIDENT: I think it will be well to have the first recommendation read again. There seems to be some misunderstanding.

(Justice Ladd again read the first recommendation.)

THE PRESIDENT: In reference to the point raised by Mr. Walker, as to whether a vote on one of the recommendations would affect the others, it might perhaps be well to make a motion that a vote on one recommendation need not affect the others.

MR. WALKER: I make a motion that the gentleman's motion to lay the first recommendation on the table, shall not affect the second and third recommendations.

The motion was duly seconded and carried.

THE PRESIDENT: Now, we will consider the matters separately, and the question is upon Mr. Healy's motion to table the first recommendation.

A vote was taken and the motion to table declared lost.

THE PRESIDENT: I presume the matter is now open for discussion, there being a motion to adopt. If there is no further discussion we will vote upon the adoption of the first recommendation.

A vote was duly taken and the first recommendation declared adopted.

THE PRESIDENT: We now come to the second recommendation. Are you ready for the question?

A MEMBER: I move that the word "last" be inserted, it then reading "wherein the applicant has last practiced".

JUSTICE LADD: The committee accepts that amendment.

SENATOR C. G. SAUNDERS: I desire to offer an amendment, as follows: "and it shall also show that he was duly admitted to practice according to the laws and regulations of the State from which he produces the certificate."

MR. N. D. ELY: As to the motion made to insert the word "last" into that recommendation—I may not understand it, but it seems to me the theory of that resolution was to require them to set out where and when and in what Courts they had practiced law. Now, if you put that "last" in there, a man could have practiced law in Iowa and then be disbarred in the State of Iowa, and have gone down to Missouri and commenced the practice of law in Missouri, and be elected County Attorney in Missouri a short time after he goes down there, and then make his application for admission to the Bar in Iowa. It seems to me this application should set out where he practiced law, not last, but where has he practiced law, and then you will know something about the record of the applicant. The matter came to my attention in the State of New York, where proceedings were begun for disbarment against a member of the Bar in New York City. I was informed by the General Attorney of the New York Central Railroad that this man had made application pending his disbarment proceedings in New York, for admission to the Bar in Iowa. Now, what objection can there be to setting out where and when he practiced law?

MR. MARSH W. BAILEY: I rise to a point of order, as to whether the word "last" is in the report or not.

THE PRESIDENT: The motion to amend by inserting it was accepted by the committee.

MR. BAILEY: I move you that the word "last" be stricken out.

THE PRESIDENT: A motion was made that the word "last" be inserted.

MR. WM. MCNETT: I am opposed to that feature of the recommendation, which requires a man to have practiced three years. I am heartily in sympathy with seeing that the men are qualified, but I do not like to see a man come from another State into this State, and requiring him to have practiced in that other State three years before he can be admitted in this State. For that reason I shall vote against the recommendation.

MR. WALKER: The idea of inserting that word was taken from the Courts of California and the rules of the Courts there prescribe that he must show good standing in the Court where he last practiced. I think he ought to show that he was in good standing in the Court where he last practiced. I might have practiced last in Lee County and not be in good standing.

A vote was taken upon the amendment to insert the word "last" and the amendment declared lost.

THE PRESIDENT: We now come to the amendment made by Senator Saunders—"and it shall also show that he was duly admitted to practice according to the laws and regulations of the State from which he produces the certificate".

SENATOR SAUNDERS: My thought was that possibly the law ought to require a showing that he was duly admitted to the practice before this period of three years commenced to run.

MR. LOUIS G. HURD: I would like to inquire whether or not under this resolution, when the applicant has made a showing, as the recommendation provides, he is entitled to admission, or whether the statements made may be attacked. For instance, one gentleman said something about disbarment proceedings; I want to know whether it entitles him absolutely to admission, or

merely entitles him to be entered into the race and have the application met by a counter-showing.

(The Secretary read the second recommendation.)

THE PRESIDENT: It appears that he may be admitted.

ATTORNEY-GENERAL COSSON: For your information, I would like to say that the custom generally has been in the office of the Attorney General, and the rules provide, that there must be a showing of good moral character. I want to further say, when a man files a certificate, we always require one or two affidavits that he was actually admitted. He usually furnishes a certificate from the Supreme Court of the State in which he was admitted, and from the Clerk of a *nisi prius* Court. When a man files an application, if anybody hears anything about him, he may make a counter-showing.

A MEMBER: Possibly I misunderstand this resolution. Suppose a man was admitted twenty years ago and practiced three years, and for some reason, after having quit the practice for some time, he concludes to practice law in another State. There is nothing to prohibit him because he has entirely quit the practice. There is a law in Wisconsin which provides that if a man desires to appear in Court and practice, he must furnish a certificate that he has practiced law recently, within two or three years.

MR. GEORGE H. WOODSON: I would like to ask Attorney-General Cosson in what way this resolution modifies our present requirements.

ATTORNEY-GENERAL COSSON: Changing it from one year to three years; that is the only substantial change.

MR. H. L. ADAMS: The suggestion that has just been made calls the attention of this body to the real purpose of this resolution. It creates this situation: A young man goes to Minnesota or Wisconsin, or Michigan, or any other State on earth excepting in Iowa, and takes a law course, at least as good as the law course in this State. He finishes his course, and it is more convenient for him to take the Bar examination in the State in which he has attended law school. He takes the examination, we will say, in

Michigan, where he has taken his law course, what reason on earth is there why that man should stay in the State of Michigan and practice law for three years before he is permitted to be admitted in Iowa? I hope to hear more discussion on that point before this resolution is put to a vote. I move you that the word "three" be stricken out, and the word "one" inserted in lieu thereof.

MR. M. F. HEALY: Suppose a graduate of Michigan starts practicing in Wisconsin, and because of conditions over which he has no control he does not make a go of it, and he wants to come to some live active town in Iowa to practice, is he to be shut out for three years?

JUSTICE LADD: He can take the examination.

MR. HEALY: Why shouldn't we be willing to give to the Supreme Court and examining body of another State the full faith and credit we would expect our graduates to be given in another State?

JUSTICE LADD: I would answer my Brother Healy, saying, if he undertook to practice in Wisconsin and wants to come over here, we would under this resolution require that he had practiced three years in Wisconsin, precisely as the law of Wisconsin requires that he should have practiced three years in Iowa.

A MEMBER: I would like to give a little experience of my own. A man who never studied law at all came to me in Des Moines and showed that he had practiced law in Oklahoma for one year, and on such showing was admitted on motion, with not near the preparation that is required of graduates of our school. I want to say, further, in my time in the University of Iowa, there were many boys who didn't wish to complete the course and took a short cut, going to Oklahoma, staying there a year and coming back. I want to say further, in other States besides Wisconsin, they have a longer period for admission than we do. For instance, in the State of Colorado, you have to practice law five years before you can be admitted, if you come from another State.

MR. LOUIS G. HURD: I am inclined to think we are losing sight

of the substance in the form of this matter. The object of this is not to provide a way by which some young lawyers in some of the other States can come to Iowa to enter upon the practice, but the purpose is to provide a method by which the State of Iowa can say to the public, this man is qualified to enter into the practice of the law, and that they may know that he is; that is the purpose. I have in mind a case where a man lived in Iowa half of his life. In the early history of South Dakota he went there and was admitted to the Bar, the Lord knows how. In a little while he came back to Iowa and was admitted because he was a practicing attorney in South Dakota. The purpose of this whole thing is to see that this man has a certificate of admission to the Bar; that this State knows, either by its examination of that man, or by the test that has been given him elsewhere, that he is qualified. Are we putting too rigid a condition by this resolution? It seems to me, not.

MR. WALKER: I want to say, in answer to the gentleman in the back part of the room, that it was not, as I understand this resolution, the purpose or intent to forbid a man who qualifies himself in Wisconsin from practicing in this State until he has practiced three years there, but it is the intent and purpose of the recommendation, to require a man to prepare himself in that State to practice law and put himself on an equality with the Iowa lawyers. If a man wants to prepare himself under the Wisconsin law, he may do so; but if he intends to attend law school in Wisconsin, and come to Iowa to practice, he ought to prepare himself with the qualification that meets the qualification required in Iowa. I understand that is all this resolution does.

ATTORNEY-GENERAL COSSON: I beg pardon for talking too much. As Chairman of the Board of Law Examiners, I would say that the suggestion of Senator Adams could be carried out by requiring, if they are admitted after practicing one year, that they should furnish proofs to the Attorney General before he moves their admission, that they had actually taken a course in a law school equivalent to the course in Iowa, either that or else a three years course, as the case may be.

THE SECRETARY: I believe I am right in saying that there are

only four States in the Union which require only one year of practice in another State. There are a few States, I think, two or three, that require no previous practice. All the other States require two to five years of practice.

MR. M. F. HEALY: It is absolute to have an A. B. to get into Harvard Law School. A student is required to go through his three years, and he receives what you will admit to be an education at least equal to any other law school in the country. Perhaps for reasons domestic, or something of that kind, after he possesses that qualification and receives his degree he does not practice law and five years have elapsed and he comes into Iowa. He has got to pass an examination which every lawyer in this room knows that ninety per cent of the practicing lawyers here, five years or over, can't pass. You know that is true. You take a doctor who has a degree from the best university in the United States, and who has taken foreign work in the hospitals of Paris and London, and you can, by a few carefully prepared questions, make a fool of him on the witness stand, and at the same time that man is earning from ten to twenty thousand dollars a year. I think you are making this too strong and too hard by the proposition you have here. I do not want to file a motion for a rehearing, but you are all wrong in respect to this resolution. The time will come when you will admit it. You will say: You old bald-headed man, you were right.

MR. MARSH W. BAILEY: As I understand this resolution, Mr. Healy is evidently laboring under a misapprehension. If he has practiced three years he is entitled to be admitted on motion; if he has practiced less than three years, he is entitled to be admitted after an examination. It seems to me that does not discriminate. At least we are entitled to know the past of these men. If they want to come before they have practiced three years, let them take the examination in Iowa, the same as the Iowa lawyers do. If a man prefers to go to Madison, or Ann Arbor, in preference to Iowa City, let him take his examination as the Iowa boys do.

THE PRESIDENT: The question now is upon the motion to amend by Senator Saunders.

A vote was taken and the amendment was declared carried.

THE PRESIDENT: The question is now upon the recommendation of the committee as amended.

A vote was taken and the recommendation as amended was declared carried.

THE PRESIDENT: The next question is upon the third recommendation.

A vote was taken and the recommendation was declared carried.

THE PRESIDENT: The next order of business was passed over yesterday, the report of the Librarian, Mr. A. J. Small. He is not present, but the report is in the hands of the Secretary.

A motion duly made that it be received and placed on file was carried.

LIBRARIAN'S REPORT

To the President, Officers and Members of the Iowa State Bar Association:

As your librarian I herewith hand you my report for the year just closing. As per the duties imposed, I have distributed the current Proceedings to the several State Libraries, the larger Bar libraries of the country, and many of the law schools. I still have 175 copies of the Proceedings of 1913, which I am holding as a reserve for future needs of the Association. I also have copies of each of the Proceedings in ample quantity with the exception of the first and sixth sessions, and of these I have about a dozen copies each. As to the distribution of the scarce numbers, I am guarding them carefully and only placing them in institutions where the greatest good will be had. To persons not authorized to free copies of the Proceedings they have been sold at the rate of fifty cents each, and I herewith append a financial statement covering the same.

I still have a goodly number of the reprints of the early Association, of which, like the regular Proceedings, by and under the direction of the Association, I have sold sixteen copies at one dollar each, a statement of which will be found in my financial account.

The value of the Proceedings of the several State Bar Associations can hardly be realized and can only be fully appreciated by

those making use or constantly in touch with them. They contain papers, addresses, and discussions upon the leading topics under consideration by the various States, thus blazing the way for new laws or for changes in those already existing. We wish the lawyers and legislators of the State would take advantage of the splendid collection now located in the Law Library in the Capitol Building—not only of the Bar Proceedings, but also of the great Law Library which is always available and at your disposal for reference purposes.

The Board of Trustees is alert to the needs of your fraternity and bids you welcome.

There is one matter, however, which gives your Librarian great concern, and I am sure it also does the Board of Trustees who have general supervision and direction, and that is the great danger we are encountering each day from fire. The members of the Association well recall the fire of 1904, at which time the entire House of Representatives was destroyed and the destruction of the Library was narrowly averted. It was demonstrated then, and is conceded now by all, that the Capitol Building is not fireproof. A repetition of that fire is liable to happen at any time, and especially is this true in the Library, as the entire room is finished in inflammable material. The accidental dropping or stepping on of a match in the galleries, which are covered with carpets, would endanger the whole Library, for if once a fire starts and gets into the walls, ducts or air shafts which are all of wood, there would be nothing short of great damage, if not a total loss. I feel uneasy each day about this and often go home at night wondering, as I lock the door, if I will find our great Library there in the morning.

It is well known that Wisconsin and New York suffered the loss of their libraries, particularly New York where the destruction was complete, its rich collections succumbing to the flames and water. The latter State is now spending great sums of money trying to restore its library. Many of the rare volumes can never be replaced, and others only partially.

Such a calamity in Iowa, in the destruction of its law and economic library, would be regrettable to say the least. Like New York, we have rare volumes and sets that could not be re-

placed at any price and others obtained only at great expense, to say nothing of the inconvenience to the Courts and the legal fraternity of the State, in the event of such a disaster.

The only way to obviate this danger is the erection of a fire-proof building to house the Supreme Court, the Attorney General, and the Law Library, the building to be known as the "Temple of Justice", "Supreme Court" or "Judicial Building". Several of the States have erected such buildings, a plan which is becoming generally approved and considered by others.

Owing to the crowded condition of the Capitol, there will have to be some sort of building erected in the near future to care for the already existing Departments, Boards, and Commissions of the State. The last General Assembly had two plans under consideration, one an office building and the other a judicial building. It is a question of "Which shall it be?"

By taking from the Capitol Building the Supreme Court, the Clerk, the Attorney General, and the Law Library fully one-third of the space of the Capitol will be vacated which can then be used for purely Executive Boards and Commissions.

I would recommend that this Association take some action about this matter and I trust you will pardon my seeming long reference to the question, but the danger of loss and devastation confronts us, and, should such a calamity ever occur, I would forever feel that I had been negligent of the trust imposed in me if I did not now call attention to such danger, and advise you, the Bench and Bar of the State, that an office building is being strongly considered, which building, if authorized by the Legislature, would preclude the immediate erection of a Temple of Justice, thus jeopardizing the safety of our great Law Library, which has but few equals and in which we take great pride:

Which shall it be?

I herewith hand you financial statement, with draft from Statute Law Book Company, properly endorsed, to the amount of \$16.54, balance due as per statement.

A. J. SMALL, *Librarian.*

FINANCIAL STATEMENT

In account with A. J. Small, Librarian

Receipts and disbursements from June 28, 1913, to June 25, 1914

RECEIPTS FOR SALE OF PROCEEDINGS

March 28, 1914, To R. H. Wilkin, nine volumes, at fifty cents each....\$ 4.50

RECEIPTS FOR SALE OF REPRINTS

June 28, 1913, To New York Educational Department.....\$ 1.00

July 31-Aug. 25, 1914, To Statute Law Book Co., Washington, D. C.,
15 vols. 16.54

Total receipts\$22.04

EXPENDITURES

Dec. 1, 1913, Blue Line Transfer Co., drayage on 1913 proceed-
ings\$1.00

Postage for sending out proceedings..... 4.50 \$ 5.50

Balance on hand..... \$16.54

JUSTICE DEEMER: There is one matter in the report of the Librarian with reference to the Bar of this State I think ought to be read. I would like to suggest what it relates to—to the housing or safety of our valuable State Library, and in connection with that, what is best to be done, in the matter of the construction of a State Building, whether it be a Judiciary Building, or whether it should be an office building for a lot of these commissions. I think that is a matter that is of supreme importance at this time, because the members of these commissions are already lobbying for the construction of an office building to take care of these institutions. I think the lawyers of the State want a Judiciary Building.

I would like to have the last part of that report read.

(Secretary reads last part of report.)

MR. LOUIS G. HURD: It is quite evident Judge Deemer knew what he was saying when he suggested the reading of a part of that report. Doubtless he has given that more attention than most of us present. I undertake to say without fear of successful contradiction, there isn't a member of this Association, either present or absent, but who would be in favor of taking action on the adoption of such a resolution. If there is, I want him to stand up.

A MEMBER: And you will put him on your list.

MR. HURD: I am perfectly willing to have Judge Deemer draw a resolution, broad enough and long enough to cover the suggestions of that report, and I am ready to vote for it without hearing it.

MR. M. F. HEALY: I would like to make one suggestion in reference to the Library proposition and that is a practical one. If our dear farmer legislative friends have made up their minds they are going to have an office building with some of Senator Kenyon's bath rooms in it, we are going up against a hard proposition for a Library Building for the lawyers, especially if the Bar Association adopts a resolution.

JUSTICE DEEMER: I note the potency of the argument of Brother Healy. Notwithstanding that, my experience has been, whether we talk to the farmer, or business man, or lawyer, whenever the matter is explained to him, unless he is already committed to some of these commissions, he says immediately, that is the thing to do.

The trouble is, we have been sleeping. We are going to have a new Legislature that is not committed. I think every man should go home and act as a committee of one with the members of the Legislature of his district.

MR. GEORGE H. WOODSON: I think just like Judge Deemer. We have got to scrap for everything we get up there anyhow. There are three candidates for the Legislature down in Monroe County. As soon as I get down there I am going to buttonhole all three of them. I am going to take a colored man's chance; I am going to go against all of them. I think the members from the various other counties will do the very same thing. We can easily bring the farmers to understand that it is a matter of economy and State pride, and it is to their advantage to see to it that a Judicial Building is erected instead of an office building. It will certainly be an irreparable loss to the State if that Library is destroyed. Whatever Judge Deemer presents, I am going to vote for.

MR. LOUIS G. HURD: I move that a committee be appointed by the Chair, of which Judge Deemer shall be Chairman, to prepare something in the nature of a memorial or what not, to cover this

subject we have been discussing in the last part of the report of the Librarian.

The motion was duly seconded and carried.

THE PRESIDENT: There is a matter of unfinished business of yesterday which should be disposed of now. You will remember that two or three of the By-Laws recommended by the committee were passed over without action, because they related to the same subject which is to be considered in connection with the report of a Special Committee, concerning the question of disbarment of attorneys, the discussion of which is to be opened by Justice Deemer. We are ready for that now.

REPORT OF COMMITTEE ON CONSTITUTION AND BY-LAWS
(CONTINUED)

JUSTICE DEEMER: *Mr. Chairman:* I will hurry through with this report just as fast as possible, in order not to trespass on the time which should be given to the President's Address.

Going back now to Rule V, as to the duties of the Secretary, we simply changed the verbiage regarding the preparation of the index. I will read now the change we made:

He shall also have made an accurate, complete, thorough, modern index of the proceedings, with cross references, etc., so that the matter contained in each volume may be rendered easily accessible; and in the published proceedings for the year 1914 and each five years thereafter, to, in addition to the regular index make and publish a complete, accurate, and thorough index with usual cross references of all Proceedings for the previous five years, giving the volume or year and page of the Proceedings where the matter referred to may be found.

I move the adoption of Rule V as now read and amended.

The motion was duly seconded and carried.

JUSTICE DEEMER: Rule VIII was also passed, relating to the duties of the Executive Committee. We differed a little as to whether we should continue the Executive Committee to be made up of representatives from each Congressional District, or whether we should make a smaller body, consisting simply of the officers of the Association. We concluded it would be better from some standpoints, to retain the old Executive Committee as constituted, one from each Congressional District.

I move the adoption of Rule VIII.

The motion to adopt was duly seconded and carried.

JUSTICE DEEMER: I think you have adopted everything now excepting Rules XI, XV, and XXV.

MR. N. D. ELY: I would like unanimous consent here to reconsider the action taken on the adoption of Section III of the Constitution yesterday, and instruct Judge Deemer to so change it that Judges are not barred as members of the Association.

I move that change be made and that Judge Deemer be requested to change the wording in that respect.

SENATOR C. H. VAN LAW: I believe that could be accomplished by withdrawing the words "and practicing".

THE PRESIDENT: I will put the motion this way: That Article III of the Constitution be amended by omitting the words "and practicing".

The motion was unanimously carried.

REPORT OF COMMITTEE ON DISBARMENT OF ATTORNEYS

JUSTICE DEEMER: Now, in connection with sections XI, XV, and XXV, I wish to say, that a Special Committee was appointed at the last meeting to whip into shape some provision whereby we might get rid of some of the "absent" members. This committee chances to be practically the same as the one on Constitution and By-Laws. We have embodied the report of these two committees in these general By-Laws. With respect to the report of the Committee on Constitution and By-Laws, I might suggest that thirty or more years ago when the boys were so precocious that they only needed nine months reading of the law for admission to the Bar, that dear old and learned man, Chancellor Hammond, used to tell us to read Sharswood's Legal Ethics, which covered at least some of the duties and responsibilities of the lawyer. They then taught professional ethics in the law schools. But after a while all of us got into the activities of commercial life, during the "steel age", as it is called, of the last half of the nineteenth century, and the lawyer was becoming commercialized, and they quit teaching professional ethics in the schools; and according to the reports of the Supreme Court of the United States and

of some of the various investigating committees, I think it might be called the s-t-e-a-l age. We almost abandoned the thought of there being any ethics in our profession and law schools quit teaching it and lawyers quit practicing it.

At Marshalltown, in the year 1909, we passed some canons of ethics and they were published in our proceedings, but it so happened that but one of the members of our committee knew we had any canons. We simply passed those canons; I don't know whether for public consumption or not. We discovered, long ago, in examining students for admission to the Bar; and I suspect that under the new plan it is found there is scarcely a young lawyer who knows what the statutory duties of an attorney are.

Notwithstanding the fact that we were thinking last night of the honorable members of our profession, it is nevertheless true, according to report, in some districts, not in this, just over the line there are some fellows who ought not to be in the profession. If we have canons, we should have some way of enforcing them and not put them on the records for public consumption without any idea of seeing them obeyed.

We added a line or two with reference to the expulsion of members of the Association for certain misbehavior, but as a rule the fellows we were after are "absent" members and we cannot reach them here. Some suggestions were made, and one was to give the matter over to the Department of Justice. But we concluded this was a matter the Association itself should take hold of, because it is a family matter and we had better do our own house cleaning. Then we thought that some members of the profession might be wrongfully charged and we concluded to adopt something similar to the grand jury system; and so we have provided in these rules for a Committee on Grievances which shall act as a sort of a grand jury, not only upon its own knowledge or such knowledge as comes to it, or upon preliminary charges, and to investigate these charges, and after investigation make its report to the Association. Then that committee upon an unfavorable report appoints not more than three members to take up the prosecution in the proper Court for the disbarment of the delinquent attorney.

We all know, that under the present system we get nowhere.

In the first place, if a member of the Bar of your county is caught "red-handed" for the first time, and you start a prosecution, you are accused of being jealous, that you are trying to force him out of business, and you hesitate on that account. Or if he has completely fallen into the "downs and outs" and has a family to support and all that, you hesitate on that account, and you do not do anything.

JUDGE C. W. MULLAN: Is it expected this committee will take up cases of members of the profession who are not members of the State Bar Association?

JUSTICE DEEMER: Yes, sir.

JUDGE MULLAN: On any information which comes to them from any source or any lawyer?

JUSTICE DEEMER: Yes, sir; any member of the Bar, or any reputable person. Now, this disbarment committee, when it is appointed, is expected to serve without any compensation, but to receive all their expenses. There is a little "whip cracker on the end of it"—if a member without just cause refuses to serve, such conduct *ipso facto*, expels him from the Association.

I believe, gentlemen, we ought to do something. I speak, of course, from reports that have come to me. Here is a lawyer who robs his client. An attempt is made to prosecute him, and he becomes insane and goes off to the asylum, and then he comes back and robs another and then becomes insane again, and still he has a license to practice law. There are other fellows you all know, who are a disgrace to the profession. As members of an ancient and honorable profession we all certainly have higher ideals than we ever had before. Of course, we do not all live up to them, but we always believe in making the other fellow do so anyway.

Without taking any further time, I think we ought to pass these By-Laws, and create an active committee to do some house cleaning and to do it in a proper way—do it upon investigation behind closed doors in the first instance, and finally get rid of some of the hangers-on. I think you are all familiar with Chief Justice Ryan's description of the "shyster" lawyer. There is no more despicable, dishonorable or dangerous character. Let us rid

him from our rolls. So, without anything further, and for the purpose of getting this before the Association, I move the adoption of Rules XI, XV, and XXV.

The motion was duly seconded and carried, and the rules, XI, XV, and XXV, declared adopted.

THE PRESIDENT: We will now have the report of the Nominating Committee.

REPORT OF NOMINATING COMMITTEE

MR. W. M. WALKER: The Nominating Committee recommends the following officers of the Association for the coming year:

For President, F. F. Dawley, of Cedar Rapids.

For Vice-President, A. N. Hobson, West Union.

For Secretary, H. C. Horack, Iowa City.

For Treasurer, Frank T. Nash, Oskaloosa.

For Librarian, A. J. Small, Des Moines.

Your committee further reports that they were undecided with reference to the recommendation of a Delegate to the American Bar Association, but reached the conclusion, that a delegate might be selected by the committee who wouldn't go, and that it would be safer to leave that to the President. In construing the By-Laws, it was decided that it is a matter belonging either to this committee or the Executive Committee, but there is a saving clause in the last section of the By-Laws, by which the rules may be suspended, and for the purpose of bringing it before the Convention, I move that the rules be temporarily suspended and that the President appoint the member to the American Bar Association, and with that amendment, I move that the report be adopted.

The motion was duly seconded.

MR. WALKER: I will assume the duty of putting this before the Convention.

The report of the committee was duly adopted.

SENATOR C. G. SAUNDERS: I move you that the Secretary be instructed to cast the vote of the Association for the respective persons nominated for the various offices.

The motion was duly seconded and unanimously carried, and the vote so cast.

THE PRESIDENT: I think it is proper for me to say here and now, that I feel most deeply and appreciate most highly the compliment and honor this Association has bestowed upon me in electing me as its President. It is an honor any one might well be proud of, and I am. I will say that I will do the best I can for the Association during the coming year.

THE PRESIDENT: During the reading of my paper, I will ask our new Vice-President, Judge A. N. Hobson, to assume the chair.

VICE-PRESIDENT HOBSON: We will now hear the President's Address, entitled, "Relief for the Supreme Court."

RELIEF FOR THE SUPREME COURT

The overcrowded condition of our Supreme Court docket has been the subject of discussion among lawyers for years, and it would be useless for me to try to say anything new about it. But what has been said before, so far as it is true, should be said again and again until such publicity has been given it and such attention paid to it that some permanent remedy shall be found and applied.

It is well known to the Bar that the six Judges, comprising the Supreme Court for nearly twenty years, have decided over six hundred cases a year in which written opinions have been filed, besides doing a large amount of other business which comes before the Court. Innumerable motions and applications have to be attended to, and a great deal of time has to be devoted to oral arguments. Suppose there were no oral arguments at all, and no motions to be read and decided, nor anything else to do but to read the records and briefs in these six hundred cases per annum, and write the arguments. If each Judge examined only the cases in which he was to write the opinions, he would have to read the records and briefs and make the opinions in more than one hundred cases a year. But it has also been necessary for him to become acquainted with the records and briefs, and to consult with the other Judges, in at least one-half of all the cases submitted. One hundred opinions a year would make an average

of two a week the year round, if no vacation be allowed. But men who do the kind of work called for in a Court of last resort ought to have at least two months' vacation and rest in the year, and ought not to be required to work over-time every day as our Supreme Court Judges are. It is a disgrace to a great State like Iowa that her most eminent servants, who carry constantly a greater load of responsibility than any of her officials, should be compelled regularly to work evenings and to begin their day's task hours earlier than any other mental laborers. Mental work is far more wearing and exhausting than physical. The investigation and decision of questions of law and the writing of opinions as they ought to be written require the Judge to be at his best mentally, and that he cannot be when he works over time and takes no vacations. Yet we see each of our Judges familiarizing himself with over three hundred cases a year and writing opinions in over one hundred of them,—an opinion every three days. This is about three times what should be required from them. At that rate how can it be expected that the Judge can give the best that he is capable of? No man can do his best under constant high pressure year in and year out. The public are thus the losers, as well as the Judges.

The addition of more Judges to the Court, and the creation of intermediate Courts of appeal, would only reach a part of the evil. The worst of it is that there are too many appeals, and such remedies would not in the least tend to reduce their number. It is desirable to have as large a proportion of cases as possible determined finally in the District Courts to the satisfaction of the parties and in such a way that appeals will not be taken. Generally speaking, almost every case involving more than the \$100.00 limitation is appealed. To eliminate error in the trial of cases in the District Courts, and thereby decrease the number of appeals, would produce far greater benefits than the incidental relief to the Supreme Court.

Now and then we have been blessed with District Judges whose rulings were so sound and so fair that the number of appeals from their judgments have been reduced to the minimum, automatically, by the acquiescence of the defeated parties themselves. Such Judges do not furnish the Supreme Court with much busi-

ness. The remedy for our troubles is more such Judges. Why have there not been more?

It is the fault of the people themselves, in large part, but the people as a rule do not know it, and the lawyers do not educate them, because, expecting to continue in the practice, they do not tell what they think of the Courts except among themselves. The trial Courts commit too many errors, and too many of these are errors which the average lawyer would not be guilty of. This can be proved by an examination of the Supreme Court Reports. And this assertion can not be avoided by saying that the Supreme Court reverses too many cases. Of the cases appealed it is true that too large a proportion have to be reversed, but not as many of them are reversed as ought to be. The Supreme Court naturally prefers to affirm cases and make an end of them. It does not reverse upon technicalities, and it has more than once strained the law and made fine distinctions in order to avoid a reversal. The Supreme Court is not to blame for the large number of reversals. The fault is with the lower Courts.

The chief cause is that the laws of Iowa do not make the position of District Judge attractive to most of the lawyers who are qualified to fill it and who are making a fair living from their practice. This comes in part from causes so far back that they are almost forgotten. We have lately seen a tidal wave of criticism against the Courts and the lawyers, but it is not the first or the most dangerous one that has occurred in our country. In Warren's History of the American Bar, which every lawyer should read, we may see what the people thought and said of the English common law, and of the Courts and lawyers, for the first forty or fifty years after the American Revolution. The war had left all classes of people in debt and all business was depressed.

The author says,

The chief law business was the collection of debts and the enforcement of contracts; and the jails were filled to overflowing with men imprisoned for debt under the rigorous laws of the times. Irritated by this excessive litigation, by the increase of suits on debts and mortgage foreclosures, and by the system of fees and court costs established by the bar associations, the people at last mistook effects for cause, and attributed all their evils to the existence of lawyers in the community.

Shay's Rebellion in Massachusetts was largely directed against the Courts and the lawyers. Warren says,

Much the same conditions prevailed in all the States. In New Hampshire and in Vermont there were the same widespread outcries that the courts should be abolished, that the number of lawyers was too large, that the profession should be entirely suppressed, that their fees should be cut down. . . . There were numerous riots. The debtors of Vermont set fire to their courthouse; those in New Jersey nailed up their doors. Lawyers were mobbed in the streets and judges threatened.

A letter of John Quincy Adams is quoted saying,

The popular odium which has been excited against practitioners in this Commonwealth prevails to so great a degree that the most innocent and irreproachable life cannot guard a lawyer against the hatred of his fellow citizens.

The hatred of the people against England extended to her common law. Warren says further,

Finally the prejudice of the people crystallized in radical legislation. In 1799 the State of New Jersey actually passed a statute forbidding the bar to cite or read in court any decision, opinion, treatise, compilation or exposition of common law, made or written in Great Britain since July 1, 1776, and prescribed heavy penalties.

In 1807 the State of Kentucky followed suit with a statute providing that reports and books of decisions in Great Britain since July 4, 1776, shall not be read or considered as authority in any of the courts. Under this statute the court went so far as to stop Henry Clay from reading from 3 East's Reports 200 that portion of an opinion of Lord Ellenborough which stated the ancient law prior to 1776.

In Pennsylvania articles of impeachment were presented against the Chief Justice and the Judges of the Supreme Court, and they were actually tried, for committing an arbitrary and unconstitutional act in sentencing a man to thirty days in jail and a fine of \$50 for contempt of court, "the ground of the impeachment being that punishment for contempt of court was a piece of English Common Law barbarism, unsuited to this country and illegal. The result of the trial being the acquittal of the Judges, public sentiment against the English law was still further inflamed in Pennsylvania; and in 1810 a statute was passed (and not repealed until 1836), forbidding the citation of any English decision made since July 4, 1776, except in cases involving the law of nations and maritime law."

The prevalence of such opinions and feelings had its effect when the new States in the middle west were organized. The people intended to keep the Courts well in hand. They provided that Judges should be elected by the people, instead of being appointed as in former times. They required the Courts to instruct the jury in writing instead of orally. They made the term of the District Judge in Iowa four years, because if the term were a longer one and a bad Judge got in, they could not get rid of him soon enough. A short term is a species of recall. They made the term so short that even with the assurance of a second term, most of the successful lawyers do not want the position. So in order to avoid the calamity of an occasional bad Judge with a long term of office, they arranged for a certainty of having numerous ordinary Judges for short terms, who are usually given a second term because lawyers with cases pending before them do not like to oppose their renomination and reelection.

At the same time the average ability and qualifications of the Bar, from whom the Judges were to be chosen, was reduced by removing practically all requirements for admission. The "fierce democracy" of that time believed that one man was just as good as another, and therefore just as much entitled to practice law. In Indiana, for example, even the formality of an examination was dispensed with, and the candidate was simply required to take an oath to support the Constitution and do his duty as a lawyer. In Iowa he went through the form of an oral examination before a committee of three of his friends, and this was the law until about 1882.

The salary has not been adequate. In former years there might have been some excuse for this on the score of necessary economy, but now there is none. If the State of Iowa wants the most competent lawyers for Judges, it will have to pay somewhere near the average amount which their clients are paying for their services. Within a little more than a year past two of the ablest District Judges in the State, who furnished the Supreme Court docket with the minimum number of appeals, have resigned to go back into the practice. They found they could not afford to remain on the Bench. The lawyer who can afford to do so is usually one who has not yet acquired much practice or one

who is nearing the end of his career and wishes to close it with a term or two as a Judge. The Judges as a rule are holding Court away from home over half of the year on their own expense, and when this is deducted from their salary of \$3,500 they have probably between \$2,500 and \$3,000 left as their net compensation. Inquiry was made a few years ago of a number of Judges to obtain their views on the advisability of attempting to have the law changed, so that their expenses while away from home holding court would be repaid. Some of them made the remarkable reply that they did not care to have that done, because if the position was made more desirable other lawyers would take their places. This was quite an admission against interest, from one point of view, though made in favor of their own financial interest.

The District Judge's salary ought to be \$5,000 and expenses and the Supreme Court Judge's \$10,000. There are fifty-nine District Judges. A few years ago there were fifty-three. In the same period during which the census shows our population has been decreasing, the number of District Judges has been increased by six; that is, over ten per cent. It is not probable that the amount of court work has increased in any such proportion. Many lawyers are complaining that it is less now than a few years ago. Too much time is lost in Court, chiefly because the Judges are too accommodating to exercise their power of shortening examinations and arguments on law questions. Fifty Judges of the ability of some of the more efficient ones now on the Bench could do the whole work of the Courts in our ninety-nine counties, and the saving on the salaries of those who could be dispensed with would pay a large part of the proposed increase for the rest.

The term of office should be lengthened to twelve or fourteen years, by a constitutional amendment, so that the Judge would not have to be a politician or contend with politicians every few years who want his place for themselves or their friends. The Judges should be appointed instead of elected, although this is not so important as the matters of salary and tenure of office.

An adequate salary and a term of office of sufficient length would give us Courts whose records would be comparatively free

from error and whose judgments would be respected, and defeated parties would not appeal every case as a matter of course. There should be an effort made in this direction at the next session of the Legislature, for the advantages of the change would be worth far more than the cost, and there would then be no necessity for increasing the number of Supreme Court Judges or establishing intermediate Courts of appeal.

Besides this, the next session of the Legislature ought to promptly repeal the vicious judicial primary law enacted in 1913. It was passed without any public demand for it. There was no discussion of it among the members of the Bar or in the newspapers. The proposition was not heard of by most of them until it had become a law. There had been no complaint made against the system of nomination by judicial conventions provided for in the general primary law. When the original primary law was adopted it was generally conceded that the nomination of Judges should not be left to the lottery and guess-work of a primary election. If it is desired to retain the non-partisan feature, provide for non-partisan conventions.

This new law permits the elector to vote for twice as many candidates as there are places to be filled, and the ballots used at the recent election directed him to vote for that number. Practically all the voters naturally thought that they had to comply with this direction, and so when they voted for the candidate of their choice they also voted for his competitor and put him in just as good a position as the one preferred by the voter. This could be changed by amendment, but even then it would be a bad law. It is a statute for the encouragement and assistance of incompetent candidates for the Bench, as is well proved by many of the nominations made at the primary three weeks ago. Men who would not have dreamed of presenting themselves to any judicial convention we ever had, and asking for a nomination, have pushed themselves in and obtained nominations under this law. There is great danger that many of them will be elected. The law enables the most unfit and the most brazen to lay unholy hands on the judicial ermine, and it threatens to degrade our Courts.

It may not be advisable to adopt resolutions on the subject,

but I believe the members of this Association could not do a better thing than to work for the repeal of the judicial primary law, the substantial increase of the salaries of the Judges, and an amendment to the Constitution materially lengthening their term of office.

An adjournment was then taken until 1:30 P. M.

FRIDAY AFTERNOON SESSION

1:30 O'CLOCK, P. M.

THE PRESIDENT: I understand the Executive Committee is ready to make a report, which will be presented by Senator J. L. Carney.

REPORT OF EXECUTIVE COMMITTEE

The members present were C. M. Dutcher, W. L. Harding, F. E. Farwell, J. C. Pryor, Jr., J. O. Malcolm, R. B. Alberson, C. W. Reed, H. J. Wilson, J. L. Carney, and Secretary H. C. Horack.

Upon motion duly made the President was authorized to appoint a member of the Executive Committee in the Eighth District.

The following cities presented invitations to the Association for the next meeting: Council Bluffs, Clinton, and Fort Dodge.

Upon motion duly made Fort Dodge was selected as the place for holding the twenty-first Annual Meeting, the date for such meeting being fixed for the last Thursday and Friday in June, June 24 and 25, 1915.

Upon motion duly made, the President, Secretary, and the member of the Executive Committee from the Tenth District were appointed a sub-committee, with power to act with reference to all plans and arrangements for the next meeting.

Upon motion duly made the report of the Executive Committee was adopted.

THE PRESIDENT: I think the Committee on Resolutions is ready to report. This report will be presented by Judge C. W. Mullan of Waterloo.

REPORT OF COMMITTEE ON RESOLUTIONS

Your Committee on Resolutions beg leave to report and recommend the adoption of the following resolutions:

Resolved, That a vote of thanks be extended to Professor Roscoe Pound for the able, eloquent, timely, and instructive address delivered by him before this Association.

Be it further resolved, That a vote of thanks be extended to the local Bar of Des Moines County, the Burlington Golf and Country Club, the Elks Club, the Commercial Club, the Y. M. C. A., the Moose Lodge, and other clubs of the city of Burlington, for the very kind and courteous treatment of the members of this Association and the delightful entertainment given to them as guests of the city.

Be it further resolved, That a general vote of thanks be extended to the persons who have read papers and responded to toasts during the meeting of the Association, and in this connection, the Association desires to express its high appreciation of the able character of the papers and responses and the entertainment thereby given to the members of the Association.

Respectfully submitted,

CHAS. W. MULLAN,
M. J. WADE,
H. E. DEEMER,
J. L. CARNEY,
W. R. LEWIS,

Committee.

JUDGE MULLAN: I move the adoption of the report of the committee as read.

The motion was duly seconded and carried.

THE PRESIDENT: The Chair will appoint the three delegates to the American Bar Association which will meet in Washington City on October 20, 21, and 22, as follows: Mr. Charles E. Pickett, of Waterloo; M. W. Bailey, of Washington; and Mr. C. M. Dutcher, of Iowa City.

I am not sure whether there are any unfinished matters of business carried over from this morning or not. Some suggestions have been prepared on the question of the amendment of

the statute for the selection of jurors. Mr. Wm. McNett of Ottumwa will present this matter.

THE SELECTION OF JURORS

Mr. President and Gentlemen of the Iowa State Bar Association: My subject is put down in the form of an address. The truth of it is, I have no address, but I have some suggestions to make in support of a proposition to recommend to the next General Assembly of this State the enactment of a measure providing for a different method of selecting the lists of names from which to draw the panel of the petit and grand jurors, and at the suggestion of others, perhaps, rather than my own, I am going to recommend that this law should be applicable to all counties in the State having cities of a population of ten thousand and upwards. The proposition (No. 1), as stated in the report of the Committee on Law Reform, is as follows:

Shall the Association recommend to the next General Assembly of Iowa, the enactment of a statute modifying the present system of selecting names for petit and grand juries, and providing for a Jury Commission to select the names from which the panels for both the petit and grand juries shall be drawn?

I regret that we as lawyers haven't paid more attention than we have to the quality of our jurors. We complain about it, but have taken no steps whatever to elevate the standard, or be more careful in the selection of the names from which our jury lists are drawn. As you are aware, the present law imposes the duty upon the judges of election to select from the poll lists the names, the statute defining the proportion according to the population, to be put on the jury list, and afterwards the petit and grand jurors are drawn from these lists. So far as the agricultural counties, as I shall call them, are concerned, or counties containing county seats of from three to five thousand, or six or seven thousand, perhaps, there is no ground for any special complaint of the character and quality of the jurors which we have for the last ten or twelve years been getting in Iowa.

Now, there are several reasons for this situation, perhaps one of which is, that these lists are never selected by the judges of election until after they have canvassed the vote. They often get

through late at night or the next day, having been up all night, and when everything is done, every road supervisor counted in, the most important duty the judges of election have to perform is performed in an inefficient and inadequate manner, and the result has been, that our jurors, upon whose verdicts and decisions rest the liberties and properties of the citizen, do not measure up to the standard which the qualifications of a man who has your liberty, your property or my property to decide upon should possess.

I have practiced law for forty-four years in the State. When I first came here, in our county of Wapello, two-thirds, if not three-fourths, of the jury was made up at that time of men who were drawn from the farms, of that sturdy hard-headed character which calls out men who have strength and courage, who left their homes in the East,—Ohio, Indiana, Pennsylvania, and New York, to come into this western country and build up the country as they did—strong, stalwart men, perhaps not greatly educated, but with an abundance of good common horse sense. And whatever litigation there was, was comparatively simple to what our litigation is today. Much of it related to farm controversies and suits involving purely commercial matters. But times have changed, and with it has come a vast change in commercial and social relations which have come over the country within the last ten, fifteen, or twenty years, so that now jurors are brought into the box to listen to and decide most complicated controversies; controversies involving large sums of money; controversies involving intricate scientific questions, difficult pieces of machinery, expert testimony, which only the trained mind, only some one who has been in the habit of considering larger measures and facts in the world, can fathom.

You will find, for instance, a majority of the old class of jurors even now in Van Buren County, to be personal. I happen to know that there the old condition of things, which once existed largely in the counties of the State still exists, the same as when I first came. The juries consist largely of wealthy farmers.

But take the larger cities, like Des Moines, and I have communicated with all the cities of the State, and there is great complaint that jurors do not measure up to the standard they ought

to measure up to. Our law, unfortunately, makes the Judge practically a presiding officer, to regulate the matter of the introduction of the testimony and instructions to the jury; a mere presiding officer.

I have investigated this question in different parts of the country and have gathered up such information as I could as to how jurors are selected, and to my surprise, I have found that quite a large number of States have abandoned the idea of allowing the supervisors, or those constituting the officers of a town meeting, or mayors, to draw the jurors and they have taken away from them entirely, that power because it was at times abused by favoring men who desire to be on the jury.

I find, wherever the jury commission has been adopted, it has given eminent satisfaction. Take, for instance, the great city of New York—and we become familiar with the great leading cases tried there, either of a criminal or other character. The very greatest care, in the city of New York, is taken by a commission, paid for the purpose of selecting jury lists, from the best and most intelligent men of all walks of life, and the result is that the administration of justice in the city of New York by juries is in a certain sense the most intelligent and most satisfactory of any city in the Union. Take it in the city of Chicago, we hear about jury fixing. I saw in a paper yesterday something about a couple of men being arrested. But it is a rare thing in the city of Chicago. They have a commission there and the results are eminently satisfactory, I am told by lawyers, so far as the quality and character of their juries is concerned.

There is another reason why this whole subject should be taken out of the domain of political influence, and that is, because the politician wants to pay some political debt or something of that sort. In Chicago busy men are compelled to sit upon juries. A man cannot say there that he is engaged in such and such a business and then get off. Of course if he has sickness in the family, the Judge excuses him. Otherwise the Judge says, "I see no reason why you cannot sit for two or three weeks."

What is our situation? The strongest men do not want to sit on the jury. He goes to the Judge and says that he wants to get off, that his farm needs him; another man has his excuse, and so

on, and after the jury is selected from this list, the strongest and best men who ought to be required to sit on the jury are largely excused. This seems to be one of the places, and one of the opportunities and one of the cases where the laymen have a right to talk back to the Judges, and to a certain extent the Judges do more excusing than they ought to in the interest of justice.

I find that in 1909 the manner of selecting the jury list in New Hampshire became practically a public scandal, and a commission was appointed to ascertain how other States, eminent men, lawyers, and Judges regarded the question of the selection of lists to make up their juries. I have a pamphlet in my pocket setting out their report very fully, and without exception commendation is given to the jury commissions. In other words, where the commissioners have been selected by the Judges, I find in every instance they are well commended. No man ought to be on a jury commission who holds any official position whatever. He shouldn't be a politician.

Mr. Small, our very efficient and obliging Librarian, has looked up some information for me concerning this matter. For instance, Alabama, Connecticut, Delaware, Georgia, and Illinois (not all over Illinois but in the larger cities), Indiana, Kansas, Kentucky, Missouri, New Jersey, New York, Ohio—and among the very best commissions is that of Ohio—, Pennsylvania, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin, all have commissions, and that policy has been growing and coming about within the last ten or fifteen years. Legal controversies have been growing in magnitude and complexity. The advance of civilization, the great march of the age, and all these things tend to make the administration of justice more and more important, and the jury is the tribunal which has the largest influence over the destinies of men and the liberties of men of any branch of the judicial system.

Let me say this, gentlemen of the Association, that there is no more important matter today that could be presented to the Legislature in respect to the administration of justice than the selection of a higher grade of both petit and grand juries. I had this matter up with Justice Deemer two or three years ago and we examined the question at that time and we got

Senator Saunders to introduce a bill, but it was introduced so late that we did not get action upon it. I think the same thing was true with the last Legislature. I hope I have interested you in this question and that you will examine it.

I now move that the President of this Association appoint a committee of three or five, as may seem to him best, to formulate and draft a bill to present to the next Legislature for the purpose of providing for a jury commission to select the jury lists from which the petit and grand juries shall be drawn in counties having cities in them of ten thousand population and upwards.

The motion was duly seconded and carried.

MR. MCNETT: Shall the remainder of this report of the Law Reform Committee be presented now?

THE PRESIDENT: We will proceed with that report which will be presented by the chairman of the committee, Mr. Wm. McNett of Ottumwa. The Committee on Law Reform has not presented any report recommending any changes in the statutes, but does present some seven different subjects for consideration and discussion.

REPORT OF COMMITTEE ON LAW REFORM

Your Committee on Law Reform submits the following report for the consideration of the Association.

The committee has not met, nor has there been a full expression of views by correspondence as to propositions to be submitted to the Association. However, out of the communications which have been had between the chairman and the balance of the committee, it was thought best not to put the propositions in the form of direct recommendations, but rather in the interrogatory form, leaving to the members of the Association and of the Committee, to take such position in respect to the propositions thus submitted, as may be seen best, when the Association meets, and the matter is under consideration.

We therefore submit for the consideration and discussion of the Association, and without recommendation, the following propositions in interrogatory form.

1.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of a statute modifying the present system of selecting names for petit and grand juries, and providing for a Jury Commission to select the names from which the panels for both the petit and grand juries shall be drawn?

2.

Shall the Association recommend to the next General Assembly of Iowa, the repeal of Chapter 289 of the 35th General Assembly in respect to the matter of jury instructions?

3.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of some measure providing for the fixing or regulation of counsel fees, in personal injury cases, where such fees are to be contingent upon the result?

4.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of a statute providing that the interest of a distributee in an estate shall be fixed and established by a final decree?

5.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of a statute changing the present legal method for the nomination of Supreme and District Judges, and providing for an increase in the tenure of office?

6.

Shall the Association recommend to the next General Assembly of Iowa, a further amendment of Section 4623 of the Code, in relation to books of account as evidence, to the end that the same may be made to conform more nearly to the modern and improved methods of bookkeeping?

7.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of some measure pertaining to divorce cases, where no appearance is made by or for the defendant, whereby an inquiry in respect to the merits of the plaintiff's

claim may be judicially made, to the end that loose and easy divorces, and those without merit, may be prevented, or at least minimized?

WM. MCNETT, *Chairman*,
M. J. WADE,
R. M. HAINES,
H. I. SAWYER,
GEORGE COSSON,
C. W. MULLAN,
F. F. FAVILLE.

MR. MCNETT: As the President has stated, and as stated in the report itself, the committee was unable to meet, but I as chairman corresponded with all the members and had some expression of their views upon certain matters, and these propositions are presented in an interrogatory form, so that any member of the committee would be at liberty to support or oppose, as he chooses, just as any other member of the Association might do. We have already disposed of section 1. Section 2 is this:

Shall the Association recommend to the next General Assembly of Iowa, the repeal of Chapter 289 of the Thirty-fifth General Assembly in respect to the matter of jury instructions?

I will say, gentlemen, that particular proposition was recommended to be presented to the Bar Association by the action of the Association last year. I do not know what your experience has been in dealing with that proposition. I like the old way very much better than the new.

I move this recommendation be presented to the Legislature.

The motion was duly seconded.

JUDGE HENRY SILWOLD: I cannot agree with the mover of this motion, because I do think the statute does accomplish something that is needed in this State. I find that the law does accomplish, in a measure, the purpose for which it was enacted. It is an assistance to the Judge and a material assistance in trying a case and preparing his instructions for the jury. Under the old law counsel on both sides are required to ask, or submit their request for instructions following the discussion of the attorneys to the jury at a time when the Judge must have prepared his instruc-

tions to the jury. This statute requires instructions to be submitted before the argument and this is of material assistance to the Judge, and if they are required, as the statute does now, to make their objections to the instructions, in writing, those objections are to be considered and re-considered by the Judge, and I think in going over the instructions the second time, verifying them, to see if he has not committed an error, and if error is actually pointed out, he can avoid it, so that the case will not have to go to the Supreme Court for consideration. I hope that the statute will stand as it is.

MR. J. P. STARR: I agree with the speaker in one respect, and with the committee in another, that instructions asked should be submitted before the arguments begin is all right. That counsel should be required to go over the instructions presented by the Court, in the few minutes time which is given us, and immediately before they are submitted to the jury and for counsel to digest all that is contained in these instructions on both sides, and to suggest to the Court wherein error has been committed, is piling up too much work on the lawyers for a fifteen minutes' job. It is all right, so far as that is concerned, to ask a lawyer to do it, but to say to him, if you don't find in fifteen minutes any error, you are cut off for the future, and that he must almost perjure himself to embody it in a motion for a new trial, I believe that part of the statute should be repealed, in so far as the lawyer is given fifteen minutes' time to go over the instructions.

MR. R. J. BANNISTER: It seems to me Mr. Starr is mistaken when he says that if a lawyer does not see all the objections that he has to perjure himself to get it in a motion for a new trial. I think I would be entitled to be heard in a *nisi prius* or the Supreme Court. It seems to me the statute is very liberal in that respect, and the law makers framed it so that the Judges would have to take the lawyer's word, so far as overlooking objections to instructions is concerned.

It seems to me, we owe, as lawyers, some duty to the litigating public, and one of these is to settle litigation without too many mistrials, and in so doing I believe the *nisi prius* Judges are fairly entitled to the honest view of the lawyers on either side as

to the law applicable to the case. A lawyer comes to Court with his ideas well formed as to the law applicable. The Judge, taking up the pleadings, after the case starts, has no such opportunity; he has to inform himself as he goes along. I believe it is a part of the duty of the Bar to advise and inform the Judge very frankly before the instructions are given as to their conception of the law.

It is true, there may be some phases of the case overlooked, even if so, we may still urge it under the provisions of the statute. I do not think any evil can be accomplished, except possibly to cut off a new trial based upon an objection which could have easily been corrected by the trial Judge, if his attention had been called to it, and I believe such attention should be called without necessitating an appeal or new trial.

JUDGE C. W. MULLAN: I wish to say just a word upon this question. I want to say, I am in favor of the motion. My experience with that chapter of the Thirty-fifth General Assembly is that it creates unnecessary delay in the disposition of cases in the District Court.

There would be no objection, it seems to me, to a law that would require instructions asked by attorneys to be handed to the Judge before the argument to the jury began, but it seems to me there is very serious objection, so far as the disposition of the business of the Court is concerned, to compel the Judge to submit his instructions to the attorneys and wait for them to file exceptions before the case can be submitted to the jury.

I believe I voice the sentiment of the members of the Bar of our District, when I say, they are almost universally in favor of the repeal of the law as it now stands. I think they nearly all consider it to be an obstacle in the way of a speedy administration of justice in the Courts. I simply desired, and without further argument, to express my views that the chapter should be repealed or so modified that it wouldn't stand in the way of the speedy administration and disposition of cases before the Courts.

MR. M. F. HEALY: I think the sentiments expressed by Judge Mullan are the sentiments repeatedly expressed and heard by the three Judges of the Eleventh Judicial District. Some of our

lawyers, to avoid, and in self-protection to avoid, the provisions of the statute, sit down when the instructions are handed to them and enter objections a mile long to each one, which afford no information to the Court upon the matter. I know that in the trial of cases in the Eleventh Judicial District, especially in Webster County, that hours, sometimes days, have been taken up by reason of this statute, that would not have been taken up under the old law.

There isn't one lawyer in a thousand who is able in the heat of a trial, unless he covers it by a blanket objection, to take the instructions, sometimes ten or more pages long, and pick out errors that may be therein. I know it has not worked out that way in our district. We are unanimous for the repeal of the present statute.

JUDGE W. N. TREICHLER: So far as the experience in the Eighteenth Judicial District is concerned, I have observed no criticism, such as has been submitted here today, in regard to the new law. There are some criticisms as to the delay that is necessary by reason of formulating objections to the instructions of the Court. Now, if the Supreme Court will interpret the law to mean that they will consider every conceivable objection that may be presented in a blanket objection, then I say, repeal the law. If an attorney who tries the case, and is supposed to have prepared his case and to be before the Court knowing the law, if he cannot at that time point out to the trial Court objections that he may have to the instructions, I do not see any good reason why he should take six months to appeal and set out some objection he might discover.

The question that has been presented as to the delay is a good one. I am not going to say that objection does not override the advantages to be gained by requiring the attorney to make his objections at the time, so that the Court may have an opportunity to make necessary correction, which would otherwise necessitate an appeal to the higher Court. As to counsel submitting instructions to the Court, I can say, in my own experience in a number of cases, in one case particularly, where thirty long carefully drafted instructions were submitted to me, right at the very closing of the last argument, for the Court to con-

sider these instructions would have taken more time than it would to raise objections.

So, I say to Judge Mullan, that part of the law should be sustained. Counsel should know before the argument commences what the law is; he should give the Court time to investigate, because the Court is not required to instruct upon every proposition in the case unless counsel ask it. I am not passing an opinion as to whether or not the practitioner should be deprived of the right of raising an objection that may come to him after the trial, because I am going back into the practice, and I may want to take the same advantage. But attorneys asking instructions should be required to submit them in time so that the trial Court may investigate them without delaying the trial. In our county, especially in the President's county, the arguments of counsel are long enough, so that a Court of ordinary intelligence will have plenty of time to go over and digest them.

MR. F. E. FARWELL: In my judgment it is all right to submit the instructions to the Court before the arguments begin, providing they have not changed the issues five or six times after the evidence is in and before the argument begins. I have had that experience in a couple of cases, and had absolutely no time to prepare instructions. I have no sympathy with an attorney who tries to take the time of the Court by asking instructions the last minute.

On the other proposition, I am inclined to agree with Mr. Healy. In our county the Bar does not like the new law as to exceptions to the instructions. I think one or two of our Judges do like it, especially as they are submitted in writing. On the whole, I think we like the old practice best.

JUDGE A. N. HOBSON: I have some pretty pronounced views in relation to this new law. I have had experience under both systems, under the old law as it existed before, and under the new since the passage of the act by the last Legislature, which act is now under discussion.

In our district it was the custom to enter the statutory blanket objections to the instructions, and under the law the attorney had six months in which to appeal. The blanket objections positively

afforded the Court no aid. Under the new law it is necessary for counsel to specify wherein the instructions are objectionable. I believe the purpose and object of a law-suit is the administration of justice. I do not believe justice can be administered unless a Court can have the assistance of the Bar. Any person who deems himself competent to bring a suit is presumed to know the underlying principles which are involved. I take it when he is talking with his client and when he is preparing the pleadings in the case, he has become familiar with the elementary principles involved so that he is fully prepared to indicate the instructions which he thinks should properly be given.

I think it is a mistake to have learned counsel come before the Court and not indicate to the Court possible objections to instructions. If you are dealing with the Court in fairness it is your duty to disclose fully the legal propositions which you claim are involved. It is true, the issue may be changed. But counsel has prepared the pleadings in the case, is often in as good, or where questions involved are unusual, in a better situation to indicate the questions involved than the Judge. Usually the Court knows nothing about the case until the pleadings are presented. I think my experience has been, in nine cases out of ten, that I absolutely knew nothing about the issues and facts until the trial commenced.

If it is justice you are after, assist the Court by presenting your theory of the law at the opening of the argument, just as the statute contemplates. The Court then has your views of the case, he has the pleadings before him, he has heard the evidence introduced upon the trial, and he is in a position by that friendly aid at that time to assist you in administering justice.

I have had experiences somewhat like Judge Treichler, or as spoken of by Judge Mullan. I had one case that I was engaged in for four long weeks in a county not necessary to mention. When counsel on one side of the case saw me reach forward for the purpose of reading the instructions there was thrown upon my table a pile of instructions I could not read in three or four hours. If given to assist the Court, they came too late to be of service, or necessitated unnecessary delay as the Court under the former practice ignored them at its peril.

MR. FARWELL: I would like to make an amendment as follows: That the Association recommend that that part of the law which requires exceptions to instructions to be taken at the time they are submitted by the Court before being given to the jury be repealed.

The motion was duly seconded.

SENATOR C. G. SAUNDERS: I think I am in favor of the recommendation of the committee, for the repeal of the whole law. I am most certainly in favor of this particular portion covered by the amendment. I think most of us have had the experience in the trial Court, of the Judge ready to read his instructions, the jury anxious to get away, and the Judge hardly giving us time to read them over, saying nothing about the consideration of them. Most of us have been embarrassed beyond measure when we found that in the hasty reading we had failed to cover by exception points of vital interest to our clients.

I think the present method requiring exceptions to be taken is just as unfair as it can be to clients and counsel. It may be all right for a Judge who wants a record to be sustained in the Supreme Court. Some Judges have been very courteous in the matter and others have not. I am in favor of this amendment.

JUSTICE DEEMER: With the recommendation of this Association in my pocket, I went before the committee of the Legislature asking that some such law as this be enacted, and they gave me very courteous treatment and finally offered to introduce an amendment and passed it.

It makes me feel somewhat embarrassed for you to turn around at the next meeting and say I am wrong. I have been listening to this argument, and I find that it is not the fault so much of the law itself as it is the administration of it. Of course, some Judge, exercising his authority, may put the law in disrepute. This is no innovation. You men have been practicing in the Federal Court, have met the same situation. You do not there even have a chance to read the instructions before you take your exceptions. They are read and you have to get up there after they are read and make your objections. I am not speaking from experience. This was really done to help the Judge; yet how

conceited you lawyers are. You will not permit the Legislature for one moment to place a limitation on the time you should take to the jury, and yet you sit here and ask for time to look over the instructions so that you may put the Judge into a trap. The purpose of this law was to give the Judge an opportunity to pass upon every objection before he commits error.

SENATOR SAUNDERS: What would you do if you were before a Judge, and he would say, "Now, gentlemen, I have not been able to get my instructions written, I would like to have you gentlemen proceed with the arguments and give me time to write the instructions"?

JUSTICE DEEMER: I would say, "Yes; if you will give me plenty of time to settle these law propositions." I do feel the spirit of this law is right. If it should happen to be an unfortunate enactment, let us bear in mind to be more cautious in the future.

JUDGE M. J. WADE: The chairman of this meeting today touched one of the most important points when he pleaded for fewer appeals. But you cannot have fewer appeals unless the lower Court can pass upon the same question which is presented to the Supreme Court. I have a theory back in my head that sometime we would get a system by which, after the abstract is prepared, the arguments prepared, and everything ready, to submit it to the lower Court again and see how it would look. I think if that were done, one-third of the cases reversed by the Supreme Court would be reversed by the lower Court, because those of us who have had the experience, if it were not for the title of the case and the names of the attorneys, never would recognize the case at all.

The law before this enactment stood in this position—I speak from memory of a particular case where I tried to get the Supreme Court to say that an objection to an instruction could not be considered by the Supreme Court unless it was first presented by an objection to the lower Court in the form of a motion for a new trial. The Supreme Court said: "No, that is not required under the present statute." In that case there was no possible claim of error or anything, except in one written instruction. I

begged counsel to file a motion for a new trial and if there was any point in it that looked dangerous at all, I would immediately consent to have the verdict set aside. They wouldn't do it and appealed to the Supreme Court direct, without a motion for a new trial, without a single exception to an instruction, the lower Court never having an opportunity, unless on its own motion to set aside the verdict and pass upon the instructions it had given. I tried to get the Supreme Court to refuse to consider the appeal because they had not presented error in the lower Court, but they wouldn't do it.

Now, gentlemen, if you repeal this law, then you will stand for the condition which existed before it was enacted. I say it is not right. A case ought to be presented to the lower Court in fairness to the Judge, to our client, and to ourselves. Therefore, I am not in favor of the absolute repeal of this law. Of course, this law does not prohibit the Judge from receiving instructions at any time during the trial, and the average Judge will be glad to receive them at any time. If there is anything done with this law, it ought to be so modified as to more fully require every objection to an instruction to be presented first to the lower Court, either by the exceptions in the manner in which this law prescribes it shall be done, or else in a motion for a new trial. When you read the exceptions in the old motions for a new trial you had a hard time to find out what was in the lawyer's mind when he made them. The old fashioned bill of exceptions, which is long in this State, we ought to replace by exceptions to the instructions of the Court. Therefore, I am opposed to the repeal of this law until we have something better. The lower Court should be able to pass, not upon general exceptions, but upon specific exceptions, just as specific as the ones presented to the Supreme Court.

MR. M. F. HEALY: The provision to require counsel to present their request for instructions, upon that proposition I think we are all agreed. But here we have this law now, and I am telling you exactly the way it happened to me in several cases, in the Eleventh, Fourteenth, and Sixteenth Judicial Districts. The evidence sometimes is closed in a hurry and there is no rebuttal; the Judge turns to the jury and says: "Remember the admonitions heretofore given you, you are excused for five minutes.

Gentlemen, here are my instructions." You have not read them over when the jury returns. That is the effect of this law.

I agree with the proposition that nothing should be brought to the Supreme Court that has not been submitted to the trial Court upon motion for a new trial, and I am perfectly willing an attorney should be bound in his motion for a new trial. But to say to a lawyer that he is given five minutes or ten minutes to go over five, ten, fifteen, and sometimes twenty pages of type-written instructions, and to require him at his peril to find a flaw in them, is wrong and an unfair proposition to a practicing lawyer.

That is the practical working of the law. I have been against it a dozen of times—"Five minutes, gentlemen, you are excused." You may talk about the abstract proposition of twelve men sitting there and ask for more time, and you will get it in the neck.

JUDGE TREICHLER: I can see from the statements made here by men of experience that the law as it stands may work a hardship in some cases. As has been stated, after a long day's trial and hard fight, a man in the heat of an argument is perhaps not in a state of mind to calmly review the legal propositions involved in the instructions, and hence, in order to give him time, it would necessarily delay the trial. It seems to me that whole thing can be solved by just a little modification and that is this: Let the law stand as it is, with this exception: that the counsel by a mere statement in the motion for a new trial say, that he has by inadvertence or omission failed to make the objection and permit him to make the objection. But I believe the practice of presenting objection to the trial Court, so that it can modify and correct its instruction before the case is submitted to the jury is a good practice, for the reason that in many cases it prevents appeals. Take it in my own experience, I know innumerable cases where a mere trifle of phraseology, a word or two, and both counsels would agree that that expressed the law, as they understand it, while if opportunity had not been given then and there before submitting it to the jury to make that correction, it would perhaps have necessitated the granting of a new trial on motion for a new trial, or an appeal and a reversal.

MR. HEALY: Has it not been your experience that when Judges submitted their instructions under the old practice, that mistakes were almost universally corrected?

JUDGE TREICHLER: The practice in our District has been this: I prepare the instructions as early as possible in duplicate and submit copies of them to respective counsels, so that they may have time to make their objections. In many cases the instructions are ready in loose sheets when the argument is made, so each party has a copy of them.

MR. L. H. SALINGER: I haven't found the slightest difficulty in finding all the time I wanted to formulate exceptions. I remember being over at Sioux City in a case before Judge Jepson. He handed me his instructions, and I said to him, "They are pretty long, how much time can I take?" He said, "Take all the time you want; I want to be sure they are right." I think it is unfair to say this law is not administered as well as it might be.

JUDGE HOBSON: Just a word in relation to the practical operation of the law in my district. Of course, I know nothing of the practice of any other Judge, except from hearsay. My practice is to receive the instructions which counsel hand me. While the law provides they should be handed to the Court before the commencement of the argument—as one of the speakers has well said, the Court in endeavoring to administer substantial justice, receives the instructions, even though they are presented after time. When the instructions are prepared I hand them to counsel. I do this during the progress of the argument. After they have all seen them I call them into an adjoining room, when we have such convenience, and request that counsel suggest such criticism as they may see fit to offer. I listen patiently and conscientiously to suggestions.

In relation to the time consumed in a few hours, or even a day, if necessary in considering instructions before appeal, I think there is much less time consumed than by taking an appeal. So far as I am aware, I have never refused counsel a full opportunity to examine the instructions. If counsel says to me that he requires additional time in which to investigate, he is accorded time, even though it necessitates an adjournment until another day.

JUDGE JESSE A. MILLER: I, like some of the rest of you, have had some experience with this new law. I am convinced that the intent of the law is right and that it will work out to the benefit of the profession and all the litigants. The trouble is, the law as it has been administered by a few Judges has brought criticism upon it. The majority of Judges I have been before have given us time to examine instructions and allowed us to dictate our objections and take exceptions in the record. A very few of them have acted arbitrarily. Now, that is the fault of the administration of the law and not the law itself.

One thing I think is needed, and that is that the Supreme Court will give to the last clause of the law a very liberal construction, so that if anything is overlooked, it may be raised afterwards on motion for a new trial, and if a liberal construction be given to that clause of the law, I think it will be found to be a benefit and that the longer we practice under it, the better we will be satisfied.

MR. J. E. CRAIG: I do not believe there is an attorney in our District who knew that the Legislature passed any such law at the time it was passed. My experience in connection with the matter came up in connection with the very first case I tried after the law was passed. The Judges said, "We will just waive the law," and we did. I do not believe that will stand. I do not see where there was any necessity in passing such a law, unless it was for the purpose of reducing the number of appeals to the Supreme Court.

I am in favor of the motion made by Mr. McNett that this Association ask for the repeal of the law, notwithstanding the Association presented it. We have every opportunity for the Judge to correct errors on a motion for a new trial.

MR. B. I. SALINGER: I am sorry to differ with my esteemed friend, Judge Craig, but it is a difference in the premises. Under the preëxisting law, except in order to raise the question of the sufficiency of the testimony or misconduct of the jury, you would have to assert that in a motion for a new trial. As to error in the instructions, if you simply said, "I except," then though you did not present the exception clearly in a motion for a new trial, you could still have it reviewed.

I concede that in its administration a Judge may easily put this law in disrepute. The ultimate thing back of it is that no one should be allowed to indulge in an appeal unless sometime he informs the trial Court just what he claims was wrong, so that the Court may not misunderstand the complaint.

MR. O. P. MYERS: It may be our Judges in the Sixth District are more courteous than they are in some other districts. The fact is, so far as I know, we never have had the slightest trouble. I know it takes some time, but if a man has his case fairly in hand, he can make almost any reasonable objection in a short time. I have not had so many jury cases personally, but as far as I have heard, we have had no trouble. I know that the Judges, in the trial of cases I was in, gave us a reasonable time, and if I suggested the instructions were long and wanted a little more time, I could have it. So, I think, it is a matter largely of administration. There are possibly thirty-five or forty of us left here now, and yet we want to send this to the Legislature with the credentials of the Bar Association and say our Association said so. This seems hardly fair.

Possibly my friend Mr. Craig wasn't at Sioux City two years ago. It looks to me as though somewhere along the line every possible matter in a case ought to be presented to the Judge, so as to give him a chance, and we ought to have a chance also. It seems to me this matter should not be disposed of until we have given it more consideration.

A MEMBER: Judge Deemer has said that the requirements of this statute had been the requirement of the Federal Court. He stated one fact incorrectly. He said the attorney was obliged to note exceptions when the Judge reads his instructions. The Judge does not read his instructions at all. Under this law, before the jury is instructed, you have to state definitely what your objection is. You cannot object afterwards under this statute in the State Court.

MR. MCNETT: I want to say a word. I have been a little surprised and disappointed at the statements made here. The Judge begins to get the law from the time of the opening statement to the jury, until the argument is made, and the whole theory of the

case is in the hands of the Judge at the time the testimony is closed. So that it is only necessary that the party who suffers defeat should be favored with an exception. Not one case in fifty that I have ever argued, but what the Judge intimated, "If you want to argue a motion for a new trial, I will patiently listen to you, but I have made up my mind."

Any lawyer who is a respectable lawyer, who wants to be fair to the Court, will correct technical errors, saying, "You used such and such a word incorrectly."

MR. CHARLES PERGLER: I confess I have an instinctive dislike for this law. I think most lawyers have, because they do not like to change their habits, and because, after all, it was more pleasing to raise a question after the trial was concluded. There is another side to the proposition. It is fair to the Court, to the public and the clients to raise questions in advance, if you can do it. The matter simmers down to this: At least any question which we intend to raise before the Supreme Court ought to be raised also in the lower Court.

It has been overlooked in this discussion that the law as it stands permits us to raise any question in the lower Court that we may have overlooked when the instructions were submitted to us. If we knew what the Supreme Court is going to do, what kind of a showing they will require, possibly all this discussion could be avoided. To my mind, that means that at least we ought to wait and see what the Supreme Court is going to do. There are cases now in that Court in which the question is presented. If we show by a motion for a new trial that it was overlooked and exception by oversight was not taken, if the Supreme Court holds that a statement of that kind is sufficient, then the law is all right and we will be satisfied with it.

MR. HEALY: If there is no amendment pending, I would like to move this as an amendment: That the law be so amended that the litigant or party to the suit be required to set up in the motion for a new trial all grounds and allegations of error and that he be bound by his motion for a new trial.

The amendment was duly seconded.

MR. LOUIS G. HURD: If I remember correctly the reading of

this law as regards exceptions to be entered at the time the instructions are presented by the trial Court, there is a saving clause which has some reference to omissions or inadvertence, which opens the door wide enough for any man to go out and come in again. If that is the case, and it has been so interpreted in our District, and if I am correct in that, then the requirement, the amendment proposed by Mr. Healy, to provide that in a motion for a new trial it shall be specifically stated, the error of which complaint is made is thereby brought within the proposition made by Judge Wade, and I do not see why we haven't covered the case.

MR. BANNISTER: It seems to me that would necessitate the obtaining of a transcript and the reading of the evidence and exceptions to the evidence at the time of the filing of a motion for a new trial. In the nature of things this would be impossible. You couldn't file a blanket motion for a new trial, and you wouldn't be able to recall the specific items of testimony you wish to except to.

MR. HEALY: As I understand the matter now before the Convention is that the statute as it stands be amended and that only has reference to instructions to the jury.

JUDGE WADE: At this stage another amendment should be made: I move an amendment to the statute providing that exceptions to instructions may be made by dictation to the official reporter.

THE PRESIDENT: There was an amendment made some time before Mr. Healy's amendment.

JUDGE MILLER: In view of the various amendments made, and in view of the proposition as presented, I make this motion: That the second recommendation of the report of the Committee on Law Reform be laid upon the table.

The motion was duly seconded.

JUDGE MILLER: The object of this motion is to get the sense of the meeting as to whether we want a change at this time.

A vote was taken and the motion to table was carried.

CHAIRMAN MCNETT: I move you, so far as the other propositions are concerned that they be passed.

The motion was duly seconded and carried.

JUDGE SILWOLD: I would like to offer an amendment to be submitted to the Committee on Law Reform: Shall the Association recommend to the next General Assembly of Iowa the repeal of Section 3656 of the Code, in order that equitable actions may be as speedily tried as law actions, and avoid unnecessary delay?

I present this in the same form the committee has presented its propositions. I do not know whether you want to act on it at this time. I think that section should be repealed.

JUDGE WADE: I move that the recommendation by Judge Silwold be referred to the Committee on Law Reform for the next meeting.

The motion was duly seconded and carried.

THE PRESIDENT: I desire to announce that certain committees will be appointed by the President later and within a short time, and notice of such appointments sent to the various members.

At this time, 4 P. M., the convention adjourned *sine die*.

CONSTITUTION AND BY-LAWS
OF
THE IOWA STATE BAR ASSOCIATION

CONSTITUTION

ARTICLE I

NAME

This Association shall be known as the Iowa State Bar Association.

ARTICLE II

OBJECT

This Association is formed to elevate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice and equity, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education for the law and to cherish a spirit of brotherhood among the members thereof.

ARTICLE III

MEMBERSHIP

All those persons whose names are printed in the "List of Members of the Iowa State Bar Association 1913-14," published in the Proceedings of the 1913 Annual Meeting, at pages 269 to 278, inclusive, and all members of this Association whose names may have been inadvertently omitted from such list by the publishers, are hereby declared to constitute the present membership of this Association.

Any member of the legal profession in good standing residing in this state and any judge of any Court of record may be admitted to this Association on such terms and in the manner as may be provided by the By-Laws.

ARTICLE IV

AFFILIATED COUNTY AND CITY BAR ASSOCIATIONS

Any County or City Bar Association in Iowa may become affiliated with this Association on such terms and in the manner as may be provided by the By-Laws.

ARTICLE V**HONORARY MEMBERSHIP**

This Association may elect distinguished persons to honorary membership in this Association on the terms and in the manner as may be provided by the By-Laws.

ARTICLE VI**OFFICERS**

The officers of this Association shall be a President, Vice-President, Secretary, Treasurer, Librarian, and such other officers as may from time to time be provided for by the By-Laws, and their terms of office, manner of election, etc., shall be as may be provided by the By-Laws; but the President shall not be eligible for immediate reelection except immediately following his having filled out the unexpired term of another.

ARTICLE VII**EXECUTIVE COMMITTEE**

The business of this Association shall be conducted by an Executive Committee, of which the President, Vice-President and Secretary of this Association shall be ex-officio members and officers. Such committee shall have full charge of the program for each annual meeting and shall have supervisory control of all local arrangements at the annual meetings. The number of this committee, its duties, the manner of appointment or election of its members and their terms of office and place of residence shall all be as may be provided by the By-Laws. This committee may adopt rules not inconsistent herewith or the By-Laws, governing its deliberations and the conduct of the business and affairs of the Association, and the President may appoint from its membership sub-committees and refer matters to the same.

ARTICLE VIII**STANDING AND SPECIAL COMMITTEES**

This Association shall have the following standing and special committees: Committee on Membership, Committee on Affiliated County and City Bar Associations, Committee on Grievances, Committee on Law Reform, Committee on Legal Education and Admission to the Bar, Committee on Legal Biography, Committee on Professional Ethics, Committee on Uniform State Laws, and such other committees as may be provided by the By-Laws. The number of the members of each such committee and the manner and method of their election or appointment shall all be as may be provided by the By-Laws. Special committees may be created by duly adopted motion or resolution.

ARTICLE IX**VOTING AND TRANSACTING OFFICIAL AND COMMITTEE BUSINESS BY MAIL**

The officers and committees of this Association may consider and act by mail upon any matter pertaining to the affairs of this Association, and when

a vote is so taken in writing and duly entered in the minutes of such officers or committee, it shall stand as their official action.

ARTICLE X

ANNUAL AND SPECIAL MEETINGS

This Association shall hold annual meetings at such place and time as shall be provided by the By-Laws, and the Executive Committee may in its discretion call special meetings; but no business shall be transacted at any special meeting other than that clearly set out in the call.

ARTICLE XI

ADMISSION FEES AND ANNUAL DUES

There shall be no admission fee in this Association. Each member shall pay to the Treasurer annual membership dues, in the amount, at the time or times and place, to become delinquent with penalties, forfeitures and the like, all as may be provided by the By-Laws.

ARTICLE XII

HONORARY DELEGATES

This Association will receive Delegates from any other Bar Association who shall be entitled to all the privileges of membership except the right to vote and hold office.

ARTICLE XIII

WITHDRAWALS AND EXPULSIONS

Any member may withdraw from this Association in the manner and upon the conditions as may be provided by the By-Laws, and any member may be suspended or expelled from this Association for misconduct in his relations to a brother attorney, whether or not the latter is a member of this Association, and for professional misconduct, all as may be provided by the By-Laws.

ARTICLE XIV

VACANCIES

Vacancies occurring in the offices and committees of this Association shall be filled as may be provided by the By-Laws.

ARTICLE XV

BY-LAWS

This Association shall have By-Laws not inconsistent herewith for the government, control and direction of the business and deliberations of this Association, its officers and committees, which By-Laws may be amended as shall be provided by the By-Laws.

ARTICLE XVI

QUORUM

The number of members constituting a Quorum for the transacting of all the business of this Association in both regular and special meetings shall be twenty-five members; but a less number may adjourn to a fixed time.

ARTICLE XVII

AMENDMENTS

This Constitution may be amended at any annual meeting by an affirmative vote of two-thirds or more of the members present, or by a majority vote when the proposed amendment has been submitted to the last preceding annual meeting and laid over or when a proposed amendment has been printed and mailed by the Secretary to each member of the Association ten or more days prior to the annual meeting at which it is to be acted upon.

BY-LAWS

RULE I

MEETINGS

The annual meetings of this Association shall be held in June at a place and on a day or days to be fixed by the Executive Committee, announced at the annual meeting and published with the proceedings.

Should a change be made in either or both the place or time of the annual meeting after publication of the proceedings, the Secretary shall give due notice thereof to the members both by mail and through the press.

RULE II

QUORUM

Twenty-five members shall constitute a Quorum for the transaction of all the business of this Association at both annual and special meetings; but a smaller number may adjourn to a fixed time until a Quorum appears.

RULE III

ORDER OF BUSINESS

The order of business of this Association shall be

1. Calling of the roll of members and recording the presence of a Quorum.
2. Correcting the minutes of the last preceding meeting as printed in the proceedings.
3. Presentation of petitions, letters, memorials, remonstrances, and other papers which may be referred to appropriate committees and otherwise disposed of without debate.
4. Report of the Committee on Membership.
5. Report of Committee on Affiliated County and City Bar Associations.

6. Annual Address of the President.
7. Report of Secretary.
8. Report of Treasurer.
9. Report of Librarian.
10. Report of the standing committees.
 - (a) Executive Committee.
 - (b) Committee on Grievances.
 - (c) Committee on Law Reform.
 - (d) Committee on Legal Education and Admission to the Bar.
 - (e) Committee on Legal History and Biography.
 - (f) Committee on Professional Ethics.
 - (g) Committee on Uniform State Laws.
 - (h) Committee on Taxation.
11. Report of Special Committees.
12. Nomination and Election of Officers.
13. Appointment of Delegates to the American Bar Association.
14. Banquet.
15. Special Addresses.
16. Unfinished Business.
17. New Business.
18. Motions and Resolutions.
19. Annual Addresses.
20. Installation of New Officers.
21. Announcement of Committees and Place and Time of Meeting.
22. Adjournment.

RULE IV

DUTIES OF THE PRESIDENT AND VICE-PRESIDENT

The President shall preside at all meetings of the Association and of the Executive Committee, may deputize the Vice-President or other member of the Association to preside for him, shall inspect and sign all bills and orders drawn on the treasury and all contracts and written instruments of the Association, assist in the transaction of all the business of the Association, and perform such other duties as may be required from time to time. He shall prepare and read or deliver to the Association the President's Annual Address and shall have full liberty in choice of subject and manner of treatment of the same.

In the absence of the President or his inability to serve, or whenever the President may request, and always when the President is absent, the Vice-President shall assume and discharge the duties of the President.

RULE V

DUTIES OF THE SECRETARY

It shall be the duty of the Secretary to keep a full record of the proceedings of the Association and of the Executive Committee, to draw all orders on the treasury for all sums ordered to be paid by the Association or the

Executive Committee, to attest all orders, contracts and other written instruments of the Association when executed by the President or the Vice-President when he is authorized to so act, to give all persons elected and appointed written notice of such election or appointment, and to perform such other duties as usually pertain to the office of a Secretary and as may be required of him from time to time by the Association or the Executive Committee.

The Secretary shall within ninety days after the close of each annual meeting cause to be printed in book form as many copies of the proceedings of such meeting as the Executive Committee may determine, which shall contain a complete report of all the proceedings, including all papers presented at or read before the Association, all toasts given at the annual banquet, the reports of all officers and committees, the Constitution and By-Laws of the Association, a list of officers of the Association from its organization, an alphabetical list of the members, a list of the members residing in each city and town under the names of such cities and towns, all alphabetically arranged, a list of honorary members, a list of the committees appointed at the last meeting under proper headings, and any other matter he may deem of sufficient importance to find a place in the volume, and to make and cause to be published a memorandum of all subjects referred to committees, general and special, the subject of each, and all of the annual addresses, giving author, and the subject and author of all papers read before the Association from its origin down to the time of the publication of the volume, the same to be after the form and style of such memoranda as printed and published in the proceedings of the American Bar Association for the year 1898.

He shall also have made an accurate, complete, thorough, modern index of the proceedings, with cross references, etc., so that the matter contained in each volume may be rendered easily accessible; and in the published proceedings for the year 1914 and each five years thereafter, to, in addition to the regular index, make and publish a complete, accurate and thorough index with usual cross references of all previous proceedings, for the previous five years, giving volume or year and page of the proceedings where the matter referred to may be found.

Immediately on publication, the Secretary shall mail to each member of the Association, including honorary members, one copy of the proceedings bound in board; and the remainder of such editions he shall ship to the Librarian except those volumes needed by him for exchange. Exchanges may be made with such societies and organizations as the Executive Committee may direct and it shall fix the price at which each volume may be sold. The compensation of the Secretary for all services requested and performed by him shall be the sum and amount of Three Hundred (300) Dollars per annum, payable monthly.

RULE VI**DUTIES OF THE TREASURER**

It shall be the duty of the Treasurer to collect all sums of money due and owing the Association, especially annual dues of members and of affiliated County Bar Associations. To enable him to prevent delinquencies occurring and to adjust present and future delinquent dues, the Treasurer is hereby authorized to make use of all legal methods and means to collect and is hereby authorized to, in his discretion, amicably compound differences between the Association and members delinquent in dues.

He shall pay out of the funds of the Association all orders signed by the President or Vice-President and attested by the Secretary, and no others, shall report the condition of the treasury and the names and amounts of delinquent members whenever the Executive Committee shall request the same and on June 1st each year make a full report to the Executive Committee and the annual meeting of all his transactions, showing the present condition of the treasury, and shall accompany it with an alphabetically arranged list of delinquent members showing the sum owing by each, and perform such other duties as the Association or the Executive Committee may from time to time require.

The Treasurer shall furnish an official bond payable to the Association in a sum and amount to be determined by the Executive Committee, the premium for which shall be paid by the Association. For all his services as such officer he shall be paid the sum and amount of Two Hundred (200) Dollars, payable monthly.

RULE VII**DUTIES OF THE LIBRARIAN**

It shall be the duty of the Librarian to receive from the Secretary all printed literature of the Association (except a sufficient number of the proceedings of each year for distribution among the members and exchanges provided for in Rule V hereof), and to preserve the same, and he is hereby directed to mail to each public library in the State a copy of the proceedings of each year and to exchange proceedings with all other State Bar Associations. He shall receive no compensation for his services.

RULE VIII**EXECUTIVE COMMITTEE**

The business of this Association shall be conducted by an Executive Committee composed of the officers of this Association who shall be ex officio officers of the committee, and as many other members of the Association as there are Congressional Districts in the State, no two of which shall reside in the same District. It shall be the duty of the members from each Congressional District in attendance at each annual meeting to caucus and appoint and announce to the meeting at the time of the election of officers a

district member of such Executive Committee and attend annual meetings, to conduct and transact all business of this Association not in these rules assigned to one of the Standing Committees or by motion or resolution especially referred to a special or standing committee.

It shall also be the duty of the Executive Committee to take charge of, arrange for, provide and carry out all programs and entertainment for annual meetings and banquets, including the menu and other entertainment of a local nature, of all of which such committee is hereby given supreme control.

At the time of nominations and elections of officers the Executive Committee shall in writing report and the Secretary read to the meeting, the place selected for the next annual meeting and a list of names of members for election to the various offices of the Association, including delegates and their alternates to the American Bar Association; but such report shall not be adopted as a whole nor shall it prevent members from making other nominations for each office or elective committee. All elections shall be by ballot and by a majority of those present except when after reasonable calls by the chair for other nominations there shall be but one candidate for the office, when it shall be the duty of the chair to declare nominations closed and the candidate elected by unanimous consent.

RULE IX

STANDING COMMITTEES

There shall be appointed by the chair and announced at each annual meeting or announced in the proceedings of which immediate personal notice shall be mailed by the Secretary, the following standing committees: Committee on Membership, Committee on Affiliated County and City Bar Associations, Committee on Grievances, Committee on Law Reform, Committee on Legal Education and Admission to the Bar, Committee on Legal Biography, Committee on Professional Ethics, and Committee on Uniform State Laws.

RULE X

MEMBERSHIP COMMITTEE

The Committee on Membership shall consist of as many members as there are Congressional Districts in the State. The President shall appoint the committee, one from each Congressional District, and name one of them as Chairman. Each member of such committee is hereby empowered and directed to immediately appoint in each of the counties in his district a sub-committee of three resident members of this Association with power of removal and substitution. It shall be the duty of each county sub-committee to personally and in a body thoroughly canvass the Bar of its county and procure, if possible, written applications for membership from each eligible lawyer in such county not already a member of this Association and to recommend such applicant to the Association. The Chairman of such sub-committee shall at convenient intervals report all such applications to the

member of the Committee on Membership in his Congressional District, whose duty it shall be to report all such applications to the Chairman of the Committee on Membership, whose duty it shall be in turn to report all applications so recommended to the next annual meeting.

RULE XI

COMMITTEE ON GRIEVANCES

The Committee on Grievances shall consist of five members appointed by the President. This committee shall receive all complaints and charges of professional misconduct or breach of ethics against any member of the Bar practicing in the State of Iowa, whether or not a member of this Association, which complaints said committee shall investigate and in so doing may take testimony of witnesses, professional statements of Judges or attorneys at law, interview the accused and receive his oral or written statement regarding such charges and report them, together with the recommendations of the committee, to the next annual meeting. If such complaint or charge be against a member of the Association and appears to be well-founded, the committee shall suggest in its report what action in its judgment should be taken thereon by the Association, whereupon the Association may proceed to suspend or expel the accused from membership herein as provided in Rule XXV hereof.

If the charge be sustained and it be such as comes within the jurisdiction of the courts, this Association may order this committee to institute proceedings for disbarment as provided in Section 325 of the 1907 Supplement to the Code, whether or not the accused be a member of this Association, and the Association shall pay all costs and expenses incurred in the premises, the same to be billed to, audited by, and ordered paid by the Executive Committee hereof. If proceedings in Court be ordered, the said committee shall select from its own number not more than three members thereof to conduct the proceedings, and if any or either of the members so appointed shall fail or neglect to serve without good and sufficient cause being shown to said committee, such failure or neglect shall be reported to the next annual meeting and the Association may forfeit the membership of them or any of them so failing to perform the duty thus assigned. Whenever any complaint is filed or charges preferred or whenever the Committee on Grievances on its own motion shall elect to prefer charges or to investigate any matter brought to its attention, it shall cause the party against whom the complaint is made or the charges are preferred to be notified of the said charges, and if complaint is filed a copy thereof shall accompany the notice and the party so notified shall be permitted to appear in person or by attorney at the hearing thereof and to make resistance to said charges. All proceedings upon this preliminary hearing shall be secret and confidential, and no report thereof shall be made public unless and until the charges be sustained by the committee. If sustained, the findings thereon shall be reported to the Association with the testimony taken on the hearing.

No compensation shall be allowed to any member of the committee; but his necessary expenses shall be paid by the Association.

RULE XII

COMMITTEE ON LAW REFORM

The Committee on Law Reform shall consist of seven members appointed by the President. All proposed legislation shall be referred to the Committee on Law Reform, which committee shall examine and report on each proposition and may recommend appropriate legislation. Its report shall be in writing and filed with the Secretary at least three (3) weeks prior to each annual meeting and the Secretary shall have the same published and a copy mailed to each member at least ten days before such meeting.

RULE XIII

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

The Committee on Legal Education and Admission to the Bar shall be composed of five members appointed by the President, which committee shall perform the usual duties of such committee and such other duties as may be assigned to it.

RULE XIV

COMMITTEE ON LEGAL HISTORY AND BIOGRAPHY

The Committee on Legal History and Biography shall consist of five members, to be appointed by the President. It shall be the duty of this committee to receive all papers referred to it and to collect all data obtainable touching the past history of the Bar of Iowa and the members thereof, arrange such matter for publication and report the same to the Association.

RULE XV

COMMITTEE ON PROFESSIONAL ETHICS

The Committee on Professional Ethics shall consist of five members, to be appointed by the President. It shall be the duty of this committee to recommend such rules of conduct in addition to the Code adopted by this Association in 1909 as it deems essential to the maintenance of the highest standard of honor and integrity among the members of our profession.

RULE XVI

COMMITTEE ON UNIFORM STATE LAWS

The Committee on Uniform State Laws shall consist of five members, to be appointed by the President. It shall be the duty of this committee to act in conjunction with like committees from other states and national associations to the end that all laws save those purely local in character shall be made uniform and consistent and that when so made they be harmoniously interpreted.

RULE XVII**MEMBERS AND HONORARY MEMBERS**

Any member of the Bar of Iowa in good standing (which shall be presumed until the contrary is made to appear) and any judge of any Court of record may become a member of this Association by complying with the following: He shall sign a written application (to be furnished by the Secretary), applying for membership in this Association, giving his full name and address and procuring his recommendation as being eligible to membership in this Association by two members of this Association. When such application shall have received a majority vote at the following annual meeting he shall become a member of the Association, vested with all its rights and privileges.

Any one learned in the law may, regardless of residence, be elected to honorary membership in this Association by a majority vote of the members present on a written resolution proposing such honorary membership; but before action may be taken on such resolution the same shall be referred by the chair to and favorably reported back at the same meeting by not less than a majority vote of a special committee to be appointed by the chair, one from each Congressional District of the State.

Honorary members shall not serve on committees, vote or hold office in this Association.

RULE XVIII**LIFE MEMBERSHIP**

Any member of this Association in good standing may become a life member hereof by the payment into the treasury of the sum and amount of Thirty (30) Dollars, which shall be in lieu of all future dues and shall entitle the member to a certificate of life membership executed by the President and Secretary.

RULE XIX**AFFILIATED COUNTY AND CITY BAR ASSOCIATIONS**

Any County or City Bar Association in this State may become affiliated with this Association on written application to be filed with the Secretary. Such application shall be signed by the President and attested by the Secretary of such County or City Bar Association, which shall state the number and standing of its members and the number of the active members of the Bar not members of such County or City Bar Association.

When such application has been favorably acted upon by the Association by not less than a majority vote of the members present, said County or City Bar Association shall become affiliated with this Association as an Affiliated County or City Bar Association and all its members shall be members of this Association clothed with all the rights and privileges of a member.

It shall be the duty of the Treasurer of each Affiliated County or City Bar Association to collect from the members and forward to the Treasurer of this

Association the sum and amount of Two (2) Dollars for each member, which shall be in lieu and in full of the Three (3) Dollars annual dues of this Association paid by all other members, said remittance to be made before September 1st of each year.

The annual dues of an Affiliated County or City Bar Association shall become delinquent on September 1st of each year. Whenever an Affiliated County or City Bar Association becomes delinquent in dues its relations as a County or City Bar Association shall cease until its delinquent dues are paid, when such County or City Bar Association shall automatically be reinstated as an Affiliated County or City Bar Association. When an Affiliated County or City Bar Association is delinquent its members shall retain membership in this Association and shall be liable to the Association for the Three (3) Dollars annual dues of general members and for the current and succeeding years, all as provided in Rule XX hereof, until such time as such Association is reinstated.

RULE XX

COMMITTEE ON AFFILIATED COUNTY AND CITY BAR ASSOCIATIONS

The Committee on Affiliated County and City Bar Associations shall consist of as many members as there are Congressional Districts in the State, to be appointed by the President, who shall name one as Chairman. It shall be the duty of this committee to, each in his Congressional District, visit the County and City Bar Associations and endeavor to organize them into an Affiliated County or City Bar Association, and all his necessary expenses shall be audited and paid by the Executive Committee. Each application for such membership shall be on a form furnished by the Secretary and shall be recommended by the committeeman of the District of which the county is a part and forwarded to the Chairman of the committee, to be by him reported with other like applications to the next annual meeting.

RULE XXI

FEES AND DUES AND FISCAL YEAR

There shall be no initiation fees for membership in this Association, but each member (not enrolled as honorary) shall pay as annual dues the sum and amount of Three (3) Dollars, payable at the residence of the Treasurer.

The fiscal year of this Association shall begin on the 1st day of June, when the books shall be closed. The annual dues of each year shall become due and payable on June 1st, and shall become delinquent on the 1st day of September following. No member shall be permitted to attend any annual meeting or exercise any other privilege of membership while his dues are delinquent. Any member delinquent in his dues shall be subject to sight draft by the Treasurer, with the customary expenses added.

RULE XXII**SECTION ON TAXATION**

There shall be created a Section on Taxation, such section to consist of six members, two of whom shall be annually appointed by the President to serve for three years.

Said section will immediately organize and investigate its subject during the year and at the annual meeting shall have a time for its report assigned to it, at which the Chairman of the committee shall preside.

The proceedings of this section under appropriate headings shall be published with the proceedings of this Association and may in the discretion of the committee be published and distributed to the members in advance of the meeting.

RULE XXIII**TERMS OF OFFICE AND ELIGIBILITY**

The term of office of all officers and committees of this Association shall be for one year or until their successors are elected and assume their respective duties, unless otherwise stated in the Constitution and By-Laws.

No member of this Association shall be eligible to serve on more than one standing committee at a time, and if inadvertently placed on two or more his first appointment only shall be valid and the place or places on other committees to which he may have been appointed shall be vacancies to be filled under the rules of this Association.

RULE XXIV**RESIGNATIONS**

Any member may resign his membership in this Association provided his dues are not delinquent and he is not indebted to the Association for annual dues for the current year. All resignations must be in writing signed by the member and forwarded to the Secretary, who shall immediately refer the same to the Membership Committee, which shall ascertain the cause of such resignation and endeavor to have it withdrawn; but unless such resignation is withdrawn the Secretary shall report it to the first annual meeting following its filing and the Treasurer shall report to such meeting the standing of the resigning member with reference to dues and delinquencies, and the like.

RULE XXV**DISBARMENT, SUSPENSION AND EXPULSION**

When it shall appear of record in any of the courts of the State that a member of this Association has been finally disbarred he shall thereupon cease to be a member of this Association and the Secretary shall drop his name from the roll of members and report his action to the next annual meeting. A member may be suspended or expelled from this Association for misconduct of any kind; but a written complaint signed by three or more members shall be the foundation of suspension or expulsion, which charge

shall be referred to the Committee on Grievances, which shall give the accused a hearing if he so desires and forthwith report its findings to the annual meeting, where the accused may appear in person and by attorney and be heard.

RULE XXVI

LIMITATIONS AS TO SPEAKING

No member shall speak more than once nor for longer than five minutes on any matter or motion pending before the Association except by unanimous consent and except that the member who makes a motion or offers a resolution shall have the right to close the debate by a second speech of five minutes unless longer time be granted by unanimous consent.

RULE XXVII

AUDITING COMMITTEE

The President shall, prior to June 1st, appoint an Auditing Committee of three members, at least two of whom shall be residents of the town or city of the Treasurer's residence, to which shall be referred all books and reports of officers. Such committee shall examine all books and accounts, vouchers and other matters pertaining to the business of this Association and report thereon at the coming annual meeting.

RULE XXVIII

RULES OF ORDER

"Roberts' Rules of Order" shall be the guide and authority in all parliamentary matter arising in the meetings of this Association and not provided for in these rules.

RULE XXIX

SUSPENSION OF AND AMENDMENTS TO BY-LAWS

Any By-Law may be temporarily suspended by unanimous consent of the members present, and these By-Laws may be amended by a two-thirds majority vote of the members present, provided the amendment be presented in writing, or by a majority vote if presented at one meeting, referred and published in the proceedings or if printed copies are mailed to the members by the Secretary fifteen days before the annual meeting.

LIST OF OFFICERS **AND MEMBERS OF THE VARIOUS COMMITTEES** **SINCE THE ORGANIZATION OF** **THE IOWA STATE BAR ASSOCIATION**

1894

Temporary Chairman.....EMLIN MCCLAIN, *Iowa City*
Temporary Secretary.....JAMES W. BOLLINGER, *Davenport*

1895

President.....A. J. McCrory, *Keokuk*
Vice-President.....L. G. Kinne, *Des Moines*
Secretary.....JAMES W. BOLLINGER, *Davenport*
Treasurer.....JOHN N. BALDWIN, *Council Bluffs*

COMMITTEES

Executive.—First District, E. S. Huston, Burlington; Second District, M. J. Wade, Iowa City; Third District, C. E. Plakett, Waterloo; Fourth District, J. R. Bane, New Hampton; Fifth District, D. E. Voris, Marion; Sixth District, L. C. Blanchard, Oskaloosa; Seventh District, James G. Day, Des Moines; Eighth District, L. C. Mechem, Centerville; Ninth District, E. W. Weeks, Guthrie Center; Tenth District, D. C. Chase, Webster City; Eleventh District, Craig L. Wright, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; Geo. W. Wakefield, Sioux City; H. O. Weaver, Wapello.

Legal Biography.—George G. Wright, Des Moines; H. S. Winslow, Newton; N. M. Hubbard, Cedar Rapids.

To Prepare By-Laws.—A. J. McCrory, Keokuk; E. S. Huston, Burlington; L. C. Blanchard, Oskaloosa.

Law Reform.—A. B. Cummins, Des Moines; J. J. Tollerton, Cedar Falls; Samuel Hayes, Iowa City; Perry D. Rose, Jefferson; T. B. Perry, Albia; J. H. Henderson, Indianola; Craig L. Wright, Sioux City.

Membership.—C. L. Nourse, Des Moines; Jacob Sims, Council Bluffs; D. C. Chase, Webster City.

Grievances.—Lewis Miles, Corydon; Anthony C. Daly, Marshalltown; W. A. Park, Des Moines; T. C. Dawson, Council Bluffs; J. T. Illick, Burlington.

Auditing.—M. J. Wade, Iowa City; E. S. Huston, Burlington; Thomas A. Cheshire, Des Moines.

1896

President.....L. G. KINNE, *Des Moines*
 Vice-President.....J. H. HENDERSON, *Indianola*
 Secretary.....JAMES W. BOLLINGER, *Davenport*
 Treasurer.....GEORGE F. HENBY, *Des Moines*

COMMITTEES

Executive.—First District, H. O. Weaver, Wapello; Second District, M. J. Wade, Iowa City; Third District, C. E. Pickett, Waterloo; Fourth District, J. B. Bana, New Hampton; Fifth District, George W. Burnham, Vinton; Sixth District, H. S. Winslow, Newton; Seventh District, James G. Day, Des Moines; Eighth District, L. C. Mechem, Centerville; Ninth District, P. L. Sever, Stuart; Tenth District, J. A. Henderson, Jefferson; Eleventh District, Craig L. Wright, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; H. O. Weaver, Wapello; Geo. W. Wakefield, Sioux City.

Legal Biography.—George G. Wright, Des Moines; H. S. Winslow, Des Moines; N. M. Hubbard, Cedar Rapids.

Constitution and By-Laws.—Charles M. Harl, Council Bluffs; Milton Remley, Iowa City; C. H. Hatch.

Law Reform.—A. B. Cummins, Des Moines; J. J. Tollerton, Cedar Falls; Samuel Hayes, Iowa City; Perry D. Rose, Jefferson; T. B. Perry, Albia; J. H. Henderson, Indianola; Craig L. Wright, Sioux City.

Membership.—C. L. Nourse, Des Moines; Jacob Sims, Council Bluffs; D. C. Chase, Webster City.

Grievances.—Lewis Miles, Corydon; Anthony C. Daly, Marshalltown; W. A. Park, Des Moines; T. C. Dawson, Council Bluffs; J. T. Illick, Burlington.

Delegates to American Bar Association.—L. G. Kinne, Des Moines; Emlin McClain, Iowa City; James G. Day, Des Moines.

1897

President.....J. H. HENDERSON, *Indianola*
 Vice-President.....M. J. WADE, *Iowa City*
 Secretary.....NATHAN E. COFFIN, *Des Moines*
 Treasurer.....GEORGE F. HENBY, *Des Moines*

COMMITTEES

Executive.—First District, Charles D. Leggett, Fairfield; Second District, E. M. Sharon, Davenport; Third District, J. J. McCarthy, Dubuque; Fourth District, J. H. McConlogue, Mason City; Fifth District, George W. Burnham, Vinton; Sixth District, Chas. R. Clark, Montezuma; Seventh District, John Shortley, Perry; Eighth District, L. C. Mechem, Centerville; Ninth District, E. W. Weeks, Guthrie Center; Tenth District, J. A. Henderson, Jefferson; Eleventh District, Craig L. Wright, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; H. O. Weaver, Wapello; Geo. W. Wakefield, Sioux City.

Legal Biography.—H. S. Winslow, Newton; C. C. Nourse, Des Moines; A. J. McCrary, Keokuk.

Constitution and By-Laws.—Milton Remley, Iowa City; James W. Bolinger, Davenport; T. M. Fee, Centerville.

Law Reform.—A. B. Cummins, Des Moines; John Cliggett, Mason City; L. C. Blanchard, Oskaloosa; J. H. Preston, Cedar Rapids; P. W. Burr, Charles City; C. A. Carpenter, Columbus Junction; Samuel Hayes, Iowa City.

Membership.—Robert M. Haines, Grinnell; W. A. Park, Des Moines; M. J. Tobin, Vinton.

Grievances.—Lewis Miles, Corydon; Anthony C. Daly, Marshalltown; P. L. Sever, Stuart; C. G. Saunders, Council Bluffs; W. J. Roberts, Keokuk.

Delegates to American Bar Association.—L. G. Kinne, Des Moines; Emlin McClain, Iowa City; J. H. McConlogue, Mason City.

Program.—E. H. Crocker, Cedar Rapids; M. J. Wade, Iowa City; F. W. Eichelberger, Bloomfield.

1898

President.....	M. J. WADE, Iowa City
Vice-President.....	JAMES O. CROSBY, Garnaville
Secretary.....	NATHAN E. COFFIN, Des Moines
Treasurer.....	GEORGE F. HENRY, Des Moines

COMMITTEES

Executive.—First District, W. J. Roberts, Keokuk; Second District, James H. Feenan, Marengo; Third District, J. A. Rogers, Clarion; Fourth District, Wm. E. Fuller, West Union; Fifth District, E. H. Crocker, Cedar Rapids; Sixth District, Charles E. Clark, Montezuma; Seventh District, J. H. Henderson, Indianola; Eighth District, L. C. Mechem, Centerville; Ninth District, E. W. Weeks, Guthrie Center; Tenth District, J. A. Henderson, Jefferson; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; H. O. Weaver, Wapello.

Legal Biography.—H. S. Winslow, Newton; David Ryan, Newton; A. J. McCrary, Keokuk.

Constitution and By-Laws.—M. W. Beach, Carroll; John Shortley, Perry; Perry D. Rose, Jefferson.

Law Reform.—L. C. Blanchard, Oskaloosa; J. P. Steele, Winterset; C. A. Carpenter, Columbus Junction; J. H. Preston, Cedar Rapids; T. G. Harper, Burlington; B. F. Jordan, Boone; Samuel Hayes, Iowa City.

Membership.—Robert M. Haines, Grinnell; W. L. Read, Des Moines; George C. Scott, Le Mars.

Grievances.—Lewis Miles, Corydon; C. E. Albrook, Eldora; Wm. H. Baily, Des Moines; C. G. Saunders, Council Bluffs; J. J. McCarthy, Dubuque.

Delegates to American Bar Association.—H. E. Deeser, Red Oak; C. A. Dudley, Des Moines; J. M. Parsons, Rock Rapids.

Program.—J. E. E. Markley, Mason City; W. B. Quarton, Algona; W. D. Evans, Hampton.

 1899

President.....JAMES O. CROSBY, *Garnaville*.
 Vice-President.....L. C. BLANCHARD, *Oskaloosa*
 Secretary.....SAM S. WRIGHT, *Tipton*
 Treasurer.....GEORGE F. HENRY, *Des Moines*

COMMITTEES

Executive.—First District, H. M. Eicher, Washington; Second District, G. L. Johnson, Maquoketa; Third District, C. W. Mullan, Waterloo; Fourth District, J. H. McConlogue, Mason City; Fifth District, F. O. Ellison, Anamosa; Sixth District, David Ryan, Newton; Seventh District, J. P. Steele, Winterset; Eighth District, L. C. Meehem, Centerville; Ninth District, C. G. Saunders, Council Bluffs; Tenth District, E. A. Morling, Emmetsburg; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; H. O. Weaver, Wapello.

Legal Biography.—H. S. Winslow, Newton; David Ryan, Newton; A. J. McCrary, Keokuk.

Constitution and By-Laws.—M. W. Beach, Carroll; John Shortley, Perry; Perry D. Rose, Jefferson.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. C. Mabry, Centerville; E. S. Huston, Burlington; J. B. Whitaker, Boone; E. M. Sharon, Davenport.

Membership.—Robert M. Haines, Grinnell; W. L. Read, Des Moines; George C. Scott, Le Mars.

Grievances.—J. J. McCarthy, Dubuque; A. J. House, Maquoketa; D. D. Murphy, Elkader; C. W. Bingham, Cedar Rapids; F. C. Platt, Waterloo.

Delegates to American Bar Association.—Alphonse Matthews, Dubuque; J. H. Henderson, Indianola; W. B. Quarton, Algona.

Program.—J. H. Quick, Sioux City; J. E. E. Markley, Mason City; E. C. Roach, Rock Rapids.

 1900

President.....L. C. BLANCHARD, *Oskaloosa*
 Vice-President.....J. J. MCCARTHY, *Dubuque*
 Secretary.....SAM S. WRIGHT, *Tipton*
 Treasurer.....GEORGE F. HENRY, *Des Moines*

COMMITTEES

Executive.—First District, E. S. Huston, Burlington; Second District, Fred Heinz, Davenport; Third District, C. W. Mullan, Waterloo; Fourth District, J. H. McConlogue, Mason City; Fifth District, F. O. Ellison, Anamosa; Sixth District, Robert M. Haines, Grinnell; Seventh District, C. P. Holmes, Des Moines; Eighth District, J. C. Mabry, Centerville; Ninth District, Thomas Arthur, Logan; Tenth District, Wealey Martin, Webster City; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; Thomas A. Cheshire, Des Moines; Samuel Hayes, Iowa City.

Legal Biography.—Geo. W. Wakefield, Sioux City; John Cliggett, Mason City; T. M. Fee, Centerville.

Constitution and By-Laws.—M. W. Beach, Carroll; John Shortley, Perry; Perry D. Rose, Jefferson.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. P. Lyman, Grinnell; E. S. Huston, Burlington; J. A. Whitaker, Boone; E. M. Sharon, Davenport.

Membership.—George C. Scott, Le Mars; Charles Baker, Iowa City; J. M. Read, Des Moines.

Grievances.—A. J. House, Maquoketa; L. L. Livingston, Corydon; D. D. Murphy, Elkader; C. W. Bingham, Cedar Rapids; F. C. Platt, Waterloo.

Delegates to American Bar Association.—George W. Seevers, Oakaloosa; J. C. Sherwin, Mason City; James O. Crosby, Garnavillo.

Program.—A. E. Swisher, Iowa City; J. H. Preston, Cedar Rapids; Robert M. Haines, Grinnell.

 1901

President.....J. J. MCCARTHY, *Dubuque*
 Vice-President.....J. H. McCONLOGUE, *Mason City*
 Secretary.....SAM S. WRIGHT, *Tipton*
 Treasurer.....GEORGE F. HENRY, *Des Moines*

COMMITTEES

Executive.—First District, H. M. Eicher, Washington; Second District, S. F. Smith, Davenport; Third District, S. M. Weaver, Iowa Falls; Fourth District, W. A. Hoyt, Fayette; Fifth District, J. H. Preston, Cedar Rapids; Sixth District, C. M. Brown, Sigourney; Seventh District, J. D. Gamble, Knoxville; Eighth District, J. C. Mabry, Centerville; Ninth District, H. W. Byers, Harlan; Tenth District, E. V. Swetting, Algona; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; Thomas A. Cheshire, Des Moines; Samuel Hayes, Iowa City.

Legal Biography.—Geo. W. Wakefield, Sioux City; John Cliggett, Mason City; T. M. Fee, Centerville.

Constitution and By-Laws.—H. E. Deemer, Red Oak; J. A. Rogers, Clarion; E. M. Sharon, Davenport.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; H. K. Evans, Corydon.

Membership.—Jacob Sims, Council Bluffs; M. W. Beach, Carroll; E. M. Carr, Manchester.

Grievances.—F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; E. M. Carr, Manchester; Erastus B. Soper, Emmetsburg; Wm. E. Fuller, West Union.

Delegates to American Bar Association.—E. E. McElroy, Ottumwa; L. C. Blanchard, Oskaloosa; C. C. Cole, Des Moines.

Program.—C. G. Saunders, Council Bluffs; H. W. Byers, Harlan.

1902

President.....J. H. McCONLOGUE, *Mason City*

Vice-President.....ROBERT M. HAINES, *Grinnell*

Secretary.....SAM S. WRIGHT, *Tipton*

Treasurer.....GEORGE F. HENRY, *Des Moines*

COMMITTEES

Executive.—First District, J. C. Davis, Keokuk; Second District, P. B. Wolfe, Clinton; Third District, S. M. Weaver, Iowa Falls; Fourth District, W. L. Eaton, Osage; Fifth District, C. W. Bingham, Cedar Rapids; Sixth District, C. M. Brown, Sigourney; Seventh District, J. H. Henderson, Indianola; Eighth District, H. K. Evans, Corydon; Ninth District, Shirley Gilliland, Glenwood; Tenth District, Ernest Kelley, Emmetsburg; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; H. E. Deemer, Red Oak; C. C. Cole, Des Moines; Geo. Dunham, Manchester; George F. Henry, Des Moines.

Legal Biography.—Geo. W. Wakefield, Sioux City; John Cliggett, Mason City; T. M. Fee, Centerville.

Constitution and By-Laws.—J. A. Rogers, Clarion; E. M. Sharon, Davenport; C. P. Holmes, Des Moines.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; James O. Crosby, Garnaville; H. M. Remley, Anamosa.

Membership.—J. J. McCarthy, Dubuque; M. W. Beach, Carroll; C. W. Mullan, Waterloo.

Grievances.—F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; L. L. Ainsworth, West Union; Erastus B. Soper, Emmetsburg.

Delegates to American Bar Association.—A. E. Swisher, Iowa City; J. H. McConlogue, Mason City; W. L. Eaton, Osage.

Program.—J. H. McConlogue, Mason City; E. M. Carr, Manchester; J. C. Longueville, Dubuque; M. C. Matthews, Dubuque.

1908

President.....	ROBERT M. HAINES, <i>Grinnell</i>
Vice-President.....	GEO. W. WAKEFIELD, <i>Sioux City</i>
Secretary.....	SAM S. WRIGHT, <i>Tipton</i>
Treasurer.....	GEORGE F. HENRY, <i>Des Moines</i>

COMMITTEES

Executive.—First District, J. C. Davis, Keokuk; Second District, P. B. Wolfe, Clinton; Third District, S. M. Weaver, Iowa Falls; Fourth District, W. L. Eaton, Osage; Fifth District, C. W. Bingham, Cedar Rapids; Sixth District, E. E. McElroy, Ottumwa; Seventh District, J. H. Henderson, Indianola; Eighth District, H. K. Evans, Corydon; Ninth District, Shirley Gilliland, Glenwood; Tenth District, A. N. Boeye, Webster City; Eleventh District, E. C. Roach, Rock Rapids.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; H. E. Deemer, Red Oak; C. C. Cole, Des Moines; Wm. Hoffman, Muscatine; George F. Henry, Des Moines.

Legal Biography.—John Cliggett, Mason City; T. M. Fee, Centerville; James W. Bollinger, Davenport.

Constitution and By-Laws.—J. A. Rogers, Clarion; E. M. Sharon, Davenport; C. P. Holmes, Des Moines.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; James O. Crosby, Garnavillo.

Membership.—Wm. H. Baily, Des Moines; J. P. Lyman, Grinnell; C. G. Saunders, Council Bluffs.

Grievances.—F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; J. J. Clark, Mason City; Erastus B. Soper, Emmetsburg.

Delegates to American Bar Association.—M. J. Wade, Iowa City; W. L. Eaton, Osage; H. M. Remley, Anamosa.

Program.—Robert M. Haines, Grinnell; J. P. Steele, Winterset; C. A. Bishop, Des Moines.

Commission on Taxation.—Charles A. Clark, Cedar Rapids; C. G. Saunders, Council Bluffs.

1904

President.....	GEO. W. WAKEFIELD, <i>Sioux City</i>
Vice-President.....	A. E. SWISHER, <i>Iowa City</i>
Secretary.....	SAM S. WRIGHT, <i>Tipton</i>
Treasurer.....	JESSE F. STEVENSON, <i>Des Moines</i>

COMMITTEES

Executive.—First District, H. M. Eicher, Washington; Second District, Fred Heinz, Davenport; Third District, S. M. Weaver, Iowa Falls; Fourth District, H. T. Reid, Cresco; Fifth District, J. M. Grimm, Cedar Rapids;

Sixth District, E. E. McElroy, Ottumwa; Seventh District, Wm. H. Bailly, Des Moines; Eighth District, H. K. Evans, Corydon; Ninth District, Henry B. Holsman, Guthrie Center; Tenth District, Carl F. Kuehnle, Denison; Eleventh District, E. C. Roach, Rock Rapids.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; George F. Henry, Des Moines.

Legal Biography.—John Cliggett, Mason City; T. M. Fee, Centerville; James W. Bollinger, Davenport.

Constitution and By-Laws.—J. A. Rogers, Clarion; J. F. Clyde, Osage; William E. Miller, Bedford.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; H. M. Towner, Corning.

Membership.—M. A. Roberts, Ottumwa; Wm. H. Bailly, Des Moines; J. P. Lyman, Grinnell.

Grievances.—F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; W. B. Quarton, Algona; Hazen I. Sawyer, Keokuk.

Delegates to American Bar Association.—C. A. Dudley, Des Moines; E. M. Carr, Manchester; W. B. Quarton, Algona.

Program.—Geo. W. Wakefield, Sioux City; W. S. Withrow, Mount Pleasant; E. E. McElroy, Ottumwa.

Commission on Taxation.—J. H. McConlogue, Mason City; J. C. Mabry, Centerville.

1905

President.....	A. E. SWISHER, Iowa City
Vice-President.....	WM. H. BAILLY, Des Moines
Secretary.....	SAM S. WRIGHT, Tipton
Treasurer.....	JESSE F. STEVENSON, Des Moines

COMMITTEES

Executive.—First District, W. M. Walker, Keosauqua; Second District, John F. Devitt, Muscatine; Third District, S. M. Weaver, Iowa Falls; Fourth District, J. H. McConlogue, Mason City; Fifth District, J. L. Carney, Marshalltown; Sixth District, E. E. McElroy, Ottumwa; Seventh District, C. A. Dudley, Des Moines; Eighth District, P. C. Preston, Creston; Ninth District, C. E. Dean, Glenwood; Tenth District, E. V. Swetting, Algona; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; George F. Henry, Des Moines.

Legal Biography.—George W. Wakefield, Sioux City; P. B. Wolfe, Clinton; William E. Miller, Bedford.

Constitution and By-Laws.—J. A. Rogers, Clarion; B. A. Yonker, Des Moines; Wm. McNett, Ottumwa.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; H. M. Towner, Corning.

Membership.—Wm. H. Baily, Des Moines; M. A. Roberts, Ottumwa; J. P. Lyman, Grinnell.

Grievances.—W. B. Quarton, Algona; F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; Hazen I. Sawyer, Keokuk.

Delegates to American Bar Association.—Geo. W. Wakefield, Sioux City; James W. Bollinger, Davenport; M. A. Roberts, Ottumwa.

Program.—C. A. Dudley, Des Moines; A. E. Swisher, Iowa City; George F. Henry, Des Moines.

Commission on Taxation.—E. E. McElroy, Ottumwa; James C. Davis, Des Moines.

Delegates to the World's Congress of Lawyers at St. Louis, Mo.—At Large, S. M. Weaver, Iowa Falls; At Large, H. M. Towner, Corning; First District, H. M. Eichler, Washington; Second District, Wm. Hoffman, Muscatine; Third District, J. J. McCarthy, Dubuque; Fourth District, James O. Crosby, Garnavillo; Fifth District, J. L. Carney, Marshalltown; Sixth District, L. C. Blanchard, Okaloosa; Seventh District, C. C. Cole, Des Moines; Eighth District, H. K. Evans, Corydon; Ninth District, H. E. Deemer, Red Oak; Tenth District, E. A. Morling, Emmetsburg; Eleventh District, Scott M. Ladd, Sheldon.

1906

President.....WM. H. BAILY, *Des Moines*

Vice-President.....H. M. TOWNER, *Corning*

Secretary.....CHARLES M. DUTCHER, *Iowa City*

Treasurer.....JESSE F. STEVENSON, *Des Moines*

COMMITTEES

Executive.—W. H. Baily, ex-officio chairman; First District, W. M. Keeley, Washington; Second District, J. F. Devitt, Muscatine; Third District, Charles W. Mullan, Waterloo; Fourth District, J. H. McConlogue, Mason City; Fifth District, J. W. Willett, Tama; Sixth District, W. G. Clements, Newton; Seventh District, Carroll Wright, Des Moines; Eighth District, William E. Crum, Bedford; Ninth District, Henry B. Holman, Guthrie Center; Tenth District, J. E. Wickham, Garner; Eleventh District, F. F. Faville, Storm Lake.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; Charles Noble Gregory, Iowa City.

Legal Biography.—James O. Crosby, Garnavillo; P. B. Wolfe, Clinton; William E. Miller, Bedford.

Law Reform.—Charles A. Clark, Cedar Rapids; H. M. Remley, Anamosa; M. J. Wade, Iowa City; J. H. Henderson, Indianola; W. D. Evans, Hampton; B. M. Wright, Ft. Dodge; James W. Bollinger, Davenport.

Membership.—C. L. Powell, Des Moines; W. J. Roberts, Keokuk; J. W. Hallam, Sioux City.

Grievances.—W. B. Quarton, Algona; F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; Hazen I. Sawyer, Keokuk; M. A. Roberts, Ottumwa.

Delegates to American Bar Association.—Charles A. Dudley, Des Moines; J. H. McConlogue, Mason City; M. J. Wade, Iowa City.

Commission on Taxation.—J. H. McConlogue, Mason City (elected 1903); J. C. Mabry, Centerville (elected 1903); E. E. McElroy, Ottumwa (elected 1904); James C. Davis, Des Moines (elected 1904); Charles A. Clark, Cedar Rapids (elected 1905); C. G. Saunders, Council Bluffs (elected 1905).

1907

President.....H. M. TOWNER, *Corning*

Vice-President.....D. D. MURPHY, *Elkader*

Secretary.....CHARLES M. DUTCHER, *Iowa City*

Treasurer.....CHARLES S. WILCOX, *Des Moines*

COMMITTEES

Executive.—H. M. Towner, ex-officio chairman; First District, C. A. Carpenter, Columbus Junction; Second District, J. F. Devitt, Muscatine; Third District, E. M. Carr, Manchester; Fourth District, J. H. McConlogue, Mason City; Fifth District, J. L. Carney, Marshalltown; Sixth District, W. R. Lewis, Montezuma; Seventh District, C. G. Lee, Ames; Eighth District, W. E. Miller, Bedford; Ninth District, Henry B. Holsman, Guthrie Center; Tenth District, Wesley Martin, Webster City; Eleventh District, M. W. White, Ida Grove.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; Charles Noble Gregory, Iowa City.

Legal Biography.—James O. Crosby, Garnavillo; P. B. Wolfe, Clinton; E. M. Sharon, Davenport.

Law Reform.—James W. Bollinger, Davenport; Charles A. Clark, Cedar Rapids; H. M. Remley, Anamosa; M. J. Wade, Iowa City; J. H. Henderson, Indianola; W. D. Evans, Hampton; R. M. Wright, Ft. Dodge.

Membership.—C. S. Grillk, Davenport; C. L. Powell, Des Moines; J. W. Hallam, Sioux City.

Grievances.—W. B. Quarton, Algona; F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; Hazen I. Sawyer, Keokuk; M. A. Roberts, Ottumwa.

Delegates to American Bar Association.—W. H. Bailly, Des Moines; A. E. Swisher, Iowa City; M. A. Walsh, Clinton.

Commission on Taxation.—James C. Davis, Des Moines (elected 1904); Charles A. Clark, Cedar Rapids (elected 1905); C. G. Saunders, Council Bluffs (elected 1905); W. O. McElroy, Newton (elected to fill unexpired term of E. E. McElroy who was elected in 1904); C. P. Smith, Mason City (elected 1906); A. B. Wells, Corning (elected 1906).

1908

President.....D. D. MURPHY, *Elkader*
 Vice-President.....JAMES W. BOLLINGER, *Davenport*
 Secretary.....CHARLES M. DUTCHER, *Iowa City*
 Treasurer.....CHARLES S. WILCOX, *Des Moines*

COMMITTEES

Executive.—D. D. Murphy, ex-officio chairman; First District, Charles J. Wilson, Washington; Second District, J. F. Devitt, Muscatine; Third District, E. M. Carr, Manchester; Fourth District, A. N. Hobson, West Union; Fifth District, James H. Crosby, Cedar Rapids; Sixth District, Henry Silwold, Newton; Seventh District, B. L. Parrish, Des Moines; Eighth District, Thomas L. Maxwell, Creston; Ninth District, Charles M. Harl, Council Bluffs; Tenth District, Carl F. Kuehnle, Denison; Eleventh District, W. W. White, Ida Grove.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; Charles Noble Gregory, Iowa City.

Legal Biography.—James O. Crosby, Garnavillo; P. B. Wolfe, Clinton; W. R. Lewis, Montezuma.

Law Reform.—M. J. Wade, Iowa City; George W. Dunham, Manchester; J. L. Carney, Marshalltown; H. M. Remley, Anamosa; J. H. Henderson, Indianola; W. D. Evans, Hampton; C. A. Dudley, Des Moines.

Membership.—F. C. Platt, Waterloo; Charles Grilk, Davenport; C. L. Powell, Des Moines.

Grievances.—W. B. Quarton, Algona; E. H. Crocker, Cedar Rapids; Hazen I. Sawyer, Keokuk; M. A. Roberts, Ottumwa; Wesley Martin, Webster City.

Delegates to the American Bar Association.—H. M. Towner, Corning; E. M. Sharon, Davenport; Shirley Gilliland, Glenwood.

Program.—D. D. Murphy, Elkader; H. M. Towner, Corning; James W. Bollinger, Davenport.

Uniform Laws.—Charles G. Saunders, Council Bluffs; Horace E. Deemer, Red Oak; William H. Bailly, Des Moines; A. E. Swisher, Iowa City; L. C. Blanchard, Oskaloosa.

1909

President.....JAMES W. BOLLINGER, *Davenport*
 Vice-President.....CHARLES M. HARL, *Council Bluffs*
 Secretary.....CHARLES M. DUTCHER, *Iowa City*
 Treasurer.....CHARLES S. WILCOX, *Des Moines*

COMMITTEES

Executive.—J. W. Bollinger, ex-officio chairman; First District, Marsh W. Bailey, Washington; Second District, A. J. House, Maquoketa; Third District, C. W. Mullan, Waterloo; Fourth District, Charles E. Scholz, Gut-

tenberg; Fifth District, J. L. Carney, Marshalltown; Sixth District, M. A. Roberts, Ottumwa; Seventh District, J. K. Macomber, Des Moines; Eighth District, Lloyd Thurston, Osceola; Ninth District, C. G. Saunders, Council Bluffs; Tenth District, Dwight G. McCarty, Emmetsburg; Eleventh District, W. P. Briggs, Sheldon.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; Charles Noble Gregory, Iowa City; Wm. Hoffman, Muscatine; E. B. Evans, Des Moines; J. H. McConlogue, Mason City.

Legal Biography.—D. J. Murphy, Waukon; W. B. Lewis, Montezuma; P. B. Wolfe, Clinton.

Law Reform.—H. E. Deemer, Red Oak; J. L. Carney, Marshalltown; H. O. Weaver, Wapello; Wm. McNett, Ottumwa; J. A. Howe, Des Moines; C. W. Mullan, Waterloo; H. K. Evans, Corydon.

Membership.—J. H. Egermayer, Marshalltown; J. K. Macomber, Des Moines; O. B. Courtright, Waterloo.

Grievances.—H. M. Towner, Corning; J. D. Gamble, Knoxville; J. C. Mabry, Centerville; W. B. Quarton, Algona; W. B. Green, Audubon.

Delegates to American Bar Association.—D. D. Murphy, Elkader; J. F. Devitt, Muscatine; Henry Vollmer, Davenport.

1910

President.....CHARLES M. HARL, Council Bluffs

Vice-President.....J. L. CARNEY, Marshalltown

Secretary.....CHARLES M. DUTCHER, Iowa City

Treasurer.....CHARLES S. WILCOX, Des Moines

Librarian.....A. J. SMALL, Des Moines

COMMITTEES

Executive.—C. M. Harl, Council Bluffs, ex-officio chairman; First District, Hazen I. Sawyer, Keokuk; Second District, J. F. Devitt, Muscatine; Third District, A. J. Edwards, Waterloo; Fourth District, D. D. Murphy, Elkader; Fifth District, J. W. Willett, Tama City; Sixth District, H. G. Lyman, Grinnell; Seventh District, Jesse A. Miller, Des Moines; Eighth District, C. J. Lewis, Mt. Ayr; Ninth District, C. G. Saunders, Council Bluffs; Tenth District, W. W. Goodykoontz, Boone; Eleventh District, W. M. White, Ida Grove.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; Chas. Noble Gregory, Iowa City; Wm. Hoffman, Muscatine; E. B. Evans, Des Moines; J. H. McConlogue, Mason City.

Legal Biography.—D. J. Murphy, Waukon; W. B. Lewis, Montezuma; P. B. Wolfe, Clinton.

Law Reform.—H. E. Deemer, Red Oak; Jesse A. Miller, Des Moines; Wm. McNett, Ottumwa; J. L. Carney, Marshalltown; J. J. Clark, Mason City; L. H. Harpel, Boone; W. P. Briggs, Sheldon.

Grievances.—H. M. Towner, Corning; T. S. Stevens, Hamburg; H. E. Taylor, Waukon; Chas. S. Bradshaw, Des Moines; W. D. Milligan, Guthrie Center.

Uniform Laws.—Chas. G. Saunders, Council Bluffs; Horace E. Deemer, Red Oak; M. J. Wade, Iowa City; Wm. H. Baily, Des Moines; C. J. Wilson, Washington.

Program.—C. M. Harl, Council Bluffs; J. W. Bollinger, Davenport; J. L. Carney, Marshalltown.

Delegates to American Bar Association.—J. W. Bollinger, Davenport; S. M. Weaver, Iowa Falls; W. D. Milligan, Guthrie Center.

1911

President.....	J. L. CARNEY, <i>Marshalltown</i>
Vice-President.....	C. G. SAUNDERS, <i>Council Bluffs</i>
Secretary.....	CHARLES M. DUTCHER, <i>Iowa City</i>
Treasurer.....	CHARLES S. WILCOX, <i>Des Moines</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—J. L. Carney, ex-officio, chairman; First District, Marsh W. Bailey, Washington; Second District, J. P. Devitt, Muscatine; Third District, Franklin C. Platt, Waterloo; Fourth District, B. W. Newberry, Strawberry Point; Fifth District, J. H. Egermayer, Marshalltown; Sixth District, M. A. Roberts, Ottumwa; Seventh District, W. W. Cardell, Perry; Eighth District, W. D. Evans, Hampton; Ninth District, E. W. Weeks, Guthrie Center; Tenth District, W. W. Goodykoontz, Boone; Eleventh District, W. P. Briggs, Sheldon.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; Chas. N. Gregory, Iowa City; Wm. Hoffman, Muscatine; E. B. Evans, Des Moines; J. H. McConlogue, Mason City.

Legal Biography.—W. B. Lewis, Montesuma; J. O. Crosby, Garnavillo; P. B. Wolfe, Clinton.

Law Reform.—H. E. Deemer, Red Oak; Carroll Wright, Des Moines; M. A. Roberts, Ottumwa; J. J. Clark, Mason City; W. P. Briggs, Sheldon; A. N. Hobson, West Union; C. H. Van Law, Marshalltown.

Membership.—Frank Nash, Oskaloosa; Frank S. Dunshee, Des Moines; J. H. Egermayer, Marshalltown.

Grievances.—H. M. Towner, Corning; T. S. Stevens, Hamburg; A. Chapin, McGregor; Chas. S. Bradshaw, Des Moines; W. D. Milligan, Guthrie Center.

Delegates to American Bar Association.—J. L. Carney, Marshalltown; J. B. Weaver, Jr., Des Moines; F. F. Faville, Storm Lake.

Program.—J. L. Carney, Marshalltown; C. G. Saunders, Council Bluffs; Jas. A. Devitt, Oskaloosa.

1912

President.....	C. G. SAUNDERS, <i>Council Bluffs</i>
Vice-President.....	H. E. DEEMER, <i>Red Oak</i>
Secretary.....	H. C. HORACK, <i>Iowa City</i>
Treasurer.....	FRANK T. NASH, <i>Oskaloosa</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—C. G. Saunders, ex-officio, chairman; First District, E. D. Morrison, Washington; Second District, H. C. Horack, Iowa City; Third District, G. W. Dunham, Manchester; Fourth District, J. H. McConlogue, Mason City; Fifth District, H. M. Remley, Anamosa; Sixth District, W. R. Lewis, Montezuma; Seventh District, J. H. Henderson, Indianola; Eighth District, L. H. Mattox, Shenandoah; Ninth District, O. W. Witham, Greenfield; Tenth District, J. W. Morse, Estherville; Eleventh District, W. P. Briggs, Sheldon.

Legal Education and Admission to the Bar.—S. M. Ladd, Des Moines; E. B. Evans, Des Moines; Ralph Otto, Iowa City; H. J. Wilson, Burlington; J. C. France, Tipton.

Legal Biography.—C. J. Wilson, Washington; W. R. Lewis, Montezuma.

Law Reform.—E. B. Evans, Des Moines; J. J. Clark, Mason City; M. A. Roberts, Ottumwa; C. H. Van Law, Marshalltown; E. W. Weeks, Guthrie Center; Carroll Wright, Des Moines; A. N. Hobson, West Union.

Membership.—A. T. Cooper, Cedar Rapids; Frank S. Dunshee, Des Moines; James A. Devitt, Oskaloosa.

Grievances.—J. B. Weaver, Jr., Des Moines; S. B. Stevens, Hamburg; John McCoy, Oskaloosa.

Delegates to American Bar Association.—H. C. Horack, Iowa City.

Program.—C. G. Saunders, Council Bluffs; H. E. Deemer, Red Oak.

1913

President.....	H. E. DEEMER, <i>Red Oak</i>
Vice-President.....	JOHN F. LACEY, <i>Oskaloosa</i>
Secretary.....	H. C. HORACK, <i>Iowa City</i>
Treasurer.....	FRANK T. NASH, <i>Oskaloosa</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—H. E. Deemer, ex-officio, chairman; First District, H. J. Wilson, Burlington; Second District, Emlin McClain, Iowa City; Third District, George A. McIntyre, Shell Rock; Fourth District, C. E. Scholz, Guttenberg; Fifth District, C. H. Van Law, Marshalltown; Sixth District, U. M. Reed, Brooklyn; Seventh District, R. M. Haines, Des Moines; Eighth District, L. H. Mattox, Shenandoah; Ninth District, I. N. Flickinger, Council Bluffs; Tenth District, J. W. Morse, Estherville; Eleventh District, George Jepson, Sioux City.

Legal Education and Admission to the Bar.—Scott M. Ladd, Des Moines; Ralph Otto, Iowa City; Louis Block, Davenport; F. W. Sargent, Sioux City; C. A. Dudley, Des Moines.

Legal Biography.—J. B. Weaver, Jr., Des Moines; W. R. Lewis, Montezuma; C. J. Wilson, Washington.

Law Reform.—E. B. Evans, Des Moines; J. J. Clark, Mason City; C. H.

Van Law, Marshalltown; W. E. Johnston, Ida Grove; A. N. Hobson, West Union; F. F. Dawley, Cedar Rapids; Robert Healy, Fort Dodge.

Membership.—O. D. Nickle, Sioux City; A. H. Hollingsworth, Keokuk; W. M. Davis, Iowa City; E. H. McCoy, Waterloo; A. L. Rule, Mason City; C. E. Walters, Toledo; T. J. Bray, Grinnell; Clifford Cox, Des Moines; V. R. McGinnis, Leon; Henry Peterson, Council Bluffs; Thomas McCarty, Emmetsburg.

Grievances.—E. C. Boach, Boek Rapids; F. F. Faville, Storm Lake; D. F. Stockman, Sigourney; E. M. Carr, Manchester; W. B. Quarton, Algona.

Delegates to American Bar Association.—Scott M. Ladd, Des Moines; H. C. Horack, Iowa City; E. M. Carr, Manchester.

Program.—H. E. Deemer, Red Oak; R. M. Haines, Des Moines; M. J. Wade, Iowa City.

Uniform Laws.—N. D. Ely, Davenport; J. L. Carney, Marshalltown; C. G. Saunders, Council Bluffs; Charles S. Bradshaw, Des Moines; Glen Brown, Dubuque.

Section on Taxation.—J. H. McConlogue, Mason City; Charles A. Clark, Cedar Rapids; John T. Clarkson, Albia; J. C. Mabry, Centerville; Wesley Martin, Webster City; Frank O'Connor, New Hampton.

Constitution and By-Laws.—A. T. Cooper, Cedar Rapids; R. M. Haines, Des Moines; J. A. Devitt, Oskaloosa.

1914

President.....	JOHN F. LACEY, <i>Oskaloosa</i>
Vice-President.....	F. F. DAWLEY, <i>Cedar Rapids</i>
Secretary.....	H. C. HORACK, <i>Iowa City</i>
Treasurer.....	FRANK T. NASH, <i>Oskaloosa</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—John F. Lacey, ex-officio, chairman; First District, H. J. Wilson, Burlington; Second District, C. M. Dutcher, Iowa City; Third District, F. J. McGreevy, Ackley; Fourth District, Chas. Pergler, Cresco; Fifth District, C. J. Cash, Anamosa; Sixth District, W. O. McElroy, Newton; Seventh District, J. M. Parsons, Des Moines; Eighth District, V. R. McGinnis, Leon; Ninth District, C. G. Saunders, Council Bluffs; Tenth District, E. G. Albert, Jefferson; Eleventh District, W. A. Helsell, Odebolt.

Legal Education and Admission to the Bar.—Scott M. Ladd, Des Moines; Henry W. Dunn, Iowa City; F. W. Sargent, Des Moines; C. H. Van Law, Marshalltown; C. W. Mullan, Waterloo.

Legal Biography.—C. J. Wilson, Washington; W. R. Lewis, Montezuma; J. H. Henderson, Indianola.

Law Reform.—Wm. McNett, Ottumwa; M. J. Wade, Iowa City; R. M.

Haines, Des Moines; Hazen I. Sawyer, Keokuk; George Coason, Audubon; C. W. Mullan, Waterloo; F. F. Faville, Storm Lake.

Membership.—Lamont Cowles, Burlington; Harry Vollmer, Davenport; E. H. McCoy, Waterloo; John Hamill, Britt; C. H. Van Law, Marshalltown; C. W. Whitmore, Ottumwa; Clifford Cox, Des Moines; V. R. McGinnis, Leon; Henry Peterson, Council Bluffs; Robert Healy, Fort Dodge; B. A. Marks, Sioux City.

Grievances.—E. C. Roach, Rock Rapids; F. F. Faville, Storm Lake; D. F. Stockman, Sigourney; E. M. Carr, Manchester; W. B. Quarton, Algona.

Delegates to American Bar Association.—D. C. Shull, Sioux City; J. N. Hughes, Cedar Rapids; I. N. Flickinger, Council Bluffs.

Program.—John F. Lacey, Oskaloosa; F. F. Dawley, Cedar Rapids.

Uniform Laws.—N. D. Ely, Davenport; J. L. Carney, Marshalltown; C. G. Saunders, Council Bluffs; Charles S. Bradshaw, Des Moines; Glen Brown, Dubuque.

Section on Taxation.—J. H. McConlogue, Mason City; Charles A. Clark, Cedar Rapids; John T. Clarkson, Albia; J. C. Mabry, Centerville; Wesley Martin, Webster City; Frank O'Connor, New Hampton.

Constitution and By-Laws.—A. T. Cooper, Cedar Rapids; H. E. Deemer, Red Oak; J. A. Devitt, Oskaloosa.

Delinquencies and Dues.—C. M. Dutcher, Iowa City; Frank T. Nash, Oskaloosa; H. C. Horack, Iowa City.

Torrens or Other Systems of Land Titles.—O. P. Myers, Newton; E. G. Whitney, Sioux City; Chas. E. Scholz, Guttenberg; C. H. Van Law, Marshalltown; John T. Clarkson, Albia.

1915

President.....	F. F. DAWLEY, <i>Cedar Rapids</i>
Vice-President.....	A. N. HOBSON, <i>West Union</i>
Secretary.....	H. C. HORACK, <i>Iowa City</i>
Treasurer.....	FRANK T. NASH, <i>Oskaloosa</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—The President, Vice-President, and Secretary, *ex-officio*; First District, H. J. Wilson, Burlington; Second District, Chas. M. Dutcher, Iowa City; Third District, F. E. Farwell, Waverly; Fourth District, C. W. Reed, Cresco; Fifth District, J. L. Carney, Marshalltown; Sixth District, J. O. Malcolm, Oskaloosa; Seventh District, E. B. Alberson, Des Moines; Eighth District, Claude R. Porter, Centerville; Ninth District, J. C. Pryor, Jr., Council Bluffs; Tenth District, M. F. Healy, Fort Dodge; Eleventh District, W. L. Harding, Sioux City.

Membership.—Robert Healy, Fort Dodge, *Chairman*, Tenth District; First District, Hazen I. Sawyer, Keokuk; Second District, Henry Vollmer, Davenport; Third District, Glenn Brown, Dubuque; Fourth District, D. J.

Murphy, Waukon; Fifth District, H. M. Remley, Anamosa; Sixth District, C. W. Whitmore, Ottumwa; Seventh District, Clifford Cox, Des Moines; Eighth District, V. B. McGinnis, Leon; Ninth District, Henry Peterson, Council Bluffs; Eleventh District, R. A. Marks, Sioux City.

Affiliated County and City Bar Associations.—A. T. Cooper, Cedar Rapids, *Chairman*, Fifth District; First District, W. M. Walker, Keosauqua; Second District, H. M. Havner, Marengo; Third District, Jno. E. Williams, Waterloo; Fourth District, Carl W. Reed, Cresco; Sixth District, M. A. Roberts, Ottumwa; Seventh District, Nathan E. Coffin, Des Moines; Eighth District, J. M. Wilson, Centerville; Ninth District, J. C. Pryor, Jr., Council Bluffs; Tenth District, R. B. Howard, Jefferson; Eleventh District, E. T. Bedell, Le Mars.

Grievances.—J. L. Carney, Marshalltown, *Chairman*; C. G. Lee, Ames; J. J. Clark, Mason City; W. L. Harding, Sioux City; W. C. Ratcliff, Red Oak.

Law Reform.—Wm. McNett, Ottumwa, *Chairman*; George Cosson, Des Moines; M. J. Wade, Iowa City; F. F. Faville, Storm Lake; Jesse A. Miller, Des Moines; E. C. Perkins, Delhi; Edward M. McCall, Nevada.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City, *Chairman*; E. B. Evans, Des Moines; C. G. Saunders, Council Bluffs; F. W. Sargent, Des Moines; D. D. Murphy, Elkader.

Legal Biography.—C. J. Wilson, Washington, *Chairman*; Henry Rickel, Cedar Rapids; W. B. Lewis, Montezuma; J. H. Henderson, Indianola; J. L. Stevens, Boone.

Professional Ethics.—H. E. Deemer, Red Oak, *Chairman*; D. M. Kelleher, Fort Dodge; C. C. Clark, Burlington; W. O. McElroy, Newton; B. F. Swisher, Waterloo.

Uniform State Laws.—C. H. Van Law, Marshalltown, *Chairman*; H. C. Horack, Iowa City; J. B. Weaver, Des Moines; J. A. Devitt, Oskaloosa; I. N. Flickinger, Council Bluffs.

Section on Taxation.—J. H. McConlogue, Mason City, *Chairman*; John T. Clarkson, Albia; J. C. Mabry, Centerville; Wesley Martin, Webster City; F. A. O'Conner, New Hampton; I. J. McDuffie, Le Mars.

Special Committee on Judiciary Building at Des Moines.—H. E. Deemer, Red Oak; J. L. Carney, Marshalltown; J. A. Devitt, Oskaloosa.

Special Committee on Torrens System of Land Titles.—O. P. Myers, Newton, *Chairman*; E. G. Whitney, Charles City; Charles E. Scholz, Guttenberg; C. H. Van Law, Marshalltown; John T. Clarkson, Albia.

Special Committee on Selection of Jurors.—William McNett, Ottumwa, *Chairman*; C. G. Saunders, Council Bluffs; George E. Hise, Des Moines.

ANNUAL ADDRESSES

1895. L. G. KINNE—"How the Supreme Court Disposes of Cases."
1896. JOHN BARTON PAYNE—"The Legal Profession. Its Opportunities and Obligations."
1897. JOHN GIBBONS—"Security Under the Law is the Shaft and Shield of the Republic."
1898. H. C. TOMPKINS—No address.
1899. J. H. McCONLOGUE—"The American Lawyer: his Obligations and Opportunities."
1900. JOHN L. WEBSTER—"Has the United States a Duty and a Destiny to Fulfill in China?"
1901. SMITH MCPHERSON—"The Recent Insular Tariff Decisions by the Supreme Court of the United States."
1902. PAUL E. CARPENTER—"Some of the Legal Phases of Insanity."
1903. DAVID J. BREWER—"The Triumph of Justice."
1904. No address.
1905. EMLIN McCLAIN—"Limitations on Federal Power in the Government of Territories."
1906. JOHN CAMPBELL—"Freedom of the Executive in Exercising Governmental Functions from Control by the Judiciary."
1907. HANNIS TAYLOR—"The Science of Jurisprudence."
1908. GEORGE B. PECK—"The March of the Constitution."
1909. JOHN H. WIGMORE—"The Science of Criminology—Rules of Evidence in Criminal Cases."
1910. C. S. THOMAS—"Justice Delayed is Justice Denied."
1911. JOHN BURKE—"Employers' Liability and Workingmen's Compensation Acts."
1912. WILLIAM RENWICK RIDDELL—"Comparison of the Constitution of the United States and Canada."
1913. EMORY SPEER—"Americanism and American Judges."
1914. ROSCOE POUND—"The Judicial Office in the United States."

PAPERS READ

1896

L. G. KINNE—"Procedure and Methods of the Courts of Final Resort of the Republic of Mexico, the United States of America, and of the Several States and Territories of the Union."

1897

J. H. HENDERSON—"The Enactment of Law; its Observance and Enforcement."

1898

M. J. WADE—"The Association and its Objects."

1899

JOHN M. READ—"Trusts."

D. D. MURPHY—"Some Proposed Reforms in the Administration of the Criminal Law."

JAS. O. CROSBY—"President's Address."

THOMAS A. CHESHIRE—"Proposed Reforms Relating to the Bench."

SCOTT M. LADD—"Should Expert Witnesses be appointed by the Court, or should their Selection be left to Litigants?"

1900

S. F. PROUTY—"Majority Verdicts in Civil Actions."

MATTHEW MATTHEWS—"The Ideal Trial Lawyer."

L. C. BLANCHARD—"The Practice in the Nisi Prius Courts."

GEORGE H. CARR—"Should we have an Additional Court of Appeals?"

1901

CHARLES A. CLARK—"The Law Reformer."

J. C. MABRY—"What Salaries should our Supreme and District Judges Receive?"

J. J. MCCARTHY—"Perjury in Judicial Proceedings."

FRANKLIN C. PLATT—"The Lawyer's Duty in Respect to Himself and his Client."

GEORGE H. CARR—"The Lawyer's Duty in Respect to Himself and the Court."

C. W. BINGHAM—*"The Lawyer's Duty in Respect to Himself and the Client of His Adversary."*

E. M. CABE—*"Insanity as a Defense to Crime."*

1902

M. J. WADE—*"The Use and Abuse of Expert Evidence."*

H. M. REMLEY—*"Should the Marriage of Feeble Minded and Degenerates be Prohibited by Law?"*

J. H. MCCONLOGUE—*"Justice Samuel F. Miller."*

H. S. RICHARDS—*"Ought our Laws be so Amended as to Exempt from Taxation Moneys and Credits, and Other Forms of Property Easily Concealed?"*

A. E. SWISHER—*"Should the Law Providing for the Collection of Taxes be Changed so as to Enforce by Additional Penalty, or Partial Confiscation, the Assessments of Moneys and Credits which now Escape Taxation?"*

GEORGE W. WAKEFIELD—*"The Need of Law to Govern the Trial of Equity Cases."*

E. E. McELBOY—*"Would the Adoption of a Law for the Taxation of Mortgages and Relieving the Real Estate Covered by Mortgages from so much of the Burden of Taxation be Desirable?"*

1903

F. F. DAWLEY—*"Submissions to the Supreme Court under the New Statute."*

W. H. C. JACQUES—*"What should be Deemed Indebtedness Within the Meaning of Constitutional and Statutory Provisions Limiting the Amount thereof which Municipalities may Incur?"*

WM. McNETT—*"What should be Deemed Indebtedness Within the Meaning of Constitutional and Statutory Provisions Limiting the Amount thereof which Municipalities may Incur?"*

1904

GEO. W. WAKEFIELD—*President's Address.*

M. L. TEMPLE—*"How Far are Labor Unions Liable for the Acts of their Members?"*

WM. H. BAILY—*"The Control of Public Utilities."*

CHAS. A. CLARK—*"Municipal Government."*

1905

A. E. SWISHER—*"An International Court."*

W. H. McHENRY—*"Reformation of Criminal Practice."*

CHAS. NOBLE GREGORY—*"The American Lawyers and their Training."*

R. M. HAINES—*"Statistical Data from Official Reports."*

W. E. FULLER—"Ethical Reform."

E. E. McELROY—"Double Taxation: Some Remedies Attempted."

FRANK I. HERRIOTT—"Are Moneys and Credits Appropriate Objects of Taxation?"

1906

D. D. MURPHY—"The Divorce Problem and Recent Decisions of the United States Supreme Court."

W. H. BAILY—"A Problem in the Control of Business Corporations."

S. M. WEAVER—"Salus Populi Suprema Lex."

1907

H. M. TOWNER—"Reformatory and Remedial Legislation."

WALTER I. SMITH—"The Nation, and Local Self Government."

JAMES J. CROSSLEY—"The Legal Aspects of Primary Election Laws."

CHARLES G. SAUNDERS—"The Indeterminate Sentence Law and Parole System."

BYRON W. NEWBERRY—"Pure Food Laws."

C. C. COLE—"A Duty Owing by the Members of the Bar of Iowa to its Supreme Court."

1908

JAMES G. BERRYHILL—"The Des Moines Plan of Municipal Government."

D. D. MURPHY—"The Growth of the Democratic Principle; and the Initiative and Referendum—its Latest Institutional Form."

A. N. HOBSON—"The Case Lawyer."

H. M. TOWNER—"A Proposed Code of Professional Ethics."

HORACE E. DEEMER—"Proposed Reforms in Criminal Procedure."

CHARLES M. HARR—"Constitutional Limitations and their Observance."

1909

H. C. HORACK—"Tendencies in Legal Education."

JAMES W. BOLLINGER—"Upward Tendencies in our Proposed Reforms."

B. I. SALINGER—"Should the Method of Selecting our Judiciary be Changed?"

1910

S. M. WEAVER—"The Rules."

J. J. CLARK—"The Present Status and Outlook of the Legal Profession."

M. A. ROBERTS—"The Problem of Industrial Accidents."

J. L. CARNEY—"Ideals and Uses of the State Bar Association."

1911

- JOHN C. SHEERWIN—"The Lawyer as a Patriot."
 F. F. DAWLEY—"Particularist Society."
 J. L. CAENEY—"John Marshall."
 W. R. LEWIS—"The Law."
 RALPH OTTO—"A Practical Legal Education."

1912

- A. J. SMALL—"The Iowa State Library—With Special Reference to the Law Department."
 WILLIAM BERRY—"The Administration of the Parole Law: The Indeterminate Sentence."
 C. G. SAUNDERS—"The Judicial Recall."
 J. L. PARRISH—"Some Railroad Problems."

1913

- WALTER I. SMITH—"The Life and Public Services of James Wilson."
 D. D. MURPHY—"The Law School and its Duty to the State."
 F. F. FAVILLE—"Criticising the Courts."
 HORACE E. DEEMER—"Representative Government."

1914

- O. P. MYERS—"The Torrens Land Title System."
 JAMES A. DEVITT—"Major John F. Lacey."
 F. F. DAWLEY—"Relief for the Supreme Court."
 H. E. DEEMER—"Discussion of 'Disbarment of Attorneys.'"
 WM. MCNETT—"Discussion of 'Selection of Jurors.'"

MEMORANDUM OF SUBJECTS REFERRED TO COMMITTEES

Committee on Uniform Laws.—To present Uniform Sales Act to the next General Assembly, p. 12.

Committee on Judiciary Building.—To present question of securing Judiciary Building to the next General Assembly, p. 166.

Special Committee on Selection of Jurors.—To draft a bill for presentation to the next General Assembly, p. 185.

Committee on Law Reform.—To consider question of speedy trial of equitable actions, p. 202.

LIST OF MEMBERS
OF THE
IOWA STATE BAR ASSOCIATION
(1914-1915)

Adams, Henry L.	Des Moines	Bennett, A. T.	Sioux City
Alberson, R. B.	Des Moines	Berry, W. H.	Indianola
Albert, E. G.	Jefferson	Berryhill, James G.	Des Moines
Alexander, D. R.	Estherville	Beyer, Harold L.	Grinnell
Algyer, David	Paullina	Bihlmeier, F. L.	Muscatine
Allen, J. H.	Pocahontas	Bingham, C. W.	Cedar Rapids
Ambler, H. A.	Burlington	Birdsall, W. N.	Waterloo
Anders, A. J.	Oelwein	Bliven, Geo. H.	Sioux City
Anderson, F. L.	Marion	Block, Louis	Davenport
Andre, Dale R.	Burlington	Boardman, C. H. E.	Marshalltown
Applegate, J. H.	Guthrie Center	Bock, W. D.	Sheldon
Armitage, Hiram P.	Afton	Bock, W. J.	Spirit Lake
Arnold, A. A.	Prairie City	Boeye, A. N.	Webster City
Ayers, W. S.	Des Moines	Boies, W. D.	Sheldon
		Boland, T. J.	Council Bluffs
Bailey, Marsh W.	Washington	Boling, C. O.	Tipton
Bair, W. P.	Des Moines	Bollinger, James W.	Davenport
Baker, D. G.	Boone	Bowen, Crom.	Des Moines
Baldwin, W. W.	Burlington	Bowen, Geo. M.	Carroll
Ball, Geo. W.	Iowa City	Boyd, J. O.	Keokuk
Balluff, Walter M.	Davenport	Boyd, R. W.	Malcom
Bammer, S. G.	Estherville	Brackney, H. W.	Sioux City
Bannister, Robert J.	Des Moines	Bradford, Theo. F.	Marshalltown
Barker, A. P.	Clinton	Bradley, Charles C.	LeMars
Barker, W. L.	Cresco	Bradshaw, C. B.	Toledo
Barner, Geo. S.	Webster City	Bradshaw, Chas. S.	Des Moines
Barnes, Don	Cedar Rapids	Brammer, George E.	Des Moines
Barnhart, W. E.	Spencer	Bray, T. J.	Grinnell
Bartlett, H. M.	Muscatine	Brennan, Hugh	Des Moines
Bedell, Edgar T.	LeMars	Briggs, Chas. W.	Wapello
Bell, Eardley, Jr.	Wellman	Brockett, O. M.	Des Moines
Benbow, John L.	Fort Madison	Brookhart, S. W.	Washington

Brown, Franklin	Des Moines	Clark, B. O.	Scranton
Brown, Glenn	Dubuque	Clark, Chas. C.	Burlington
Brown, J. D.	Guthrie Center	Clark, C. F.	Cedar Rapids
Brown, B. H.	Sioux City	Clark, Charles R.	Montezuma
Browning, Chas. C.	Coon Rapids	Clark, Chas. W.	Montezuma
Browning, D. C.	Sioux City	Clark, Geo. B.	Oakland
Bruff, J. B.	Atlantic	Clark, Howard J.	Des Moines
Bryant, H. J.	Mason City	Clark, J. J.	Mason City
Bryant, Wm. C.	Griswold	Clark, Wm. G.	Cedar Rapids
Buresh, G. F.	Cedar Rapids	Clarkson, John T.	Albia
Burgess, E. A.	Sioux City	Cleary, Thos. P.	Sioux City
Burkheimer, C. D.	Des Moines	Clements, W. G.	Newton
Burnham, Geo. W.	Marshalltown	Cochran, F. J.	Iowa City
Burnquist, B. B.	Fort Dodge	Coffin, N. E.	Des Moines
Burrell, W. C.	Oskaloosa	Collier, A. D.	Sioux City
Bush, F. C.	Osage	Collins, W. B.	Keokuk
Byers, H. W.	Des Moines	Conn, J. T.	Hartley
		Cook, J. E.	Independence
		Cook, Roy A.	Independence
		Coon, Byron M.	Estherville
		Cooney, M. D.	Dubuque
		Cooper, A. T.	Cedar Rapids
		Cooper, Frank A.	Davenport
		Cooper, W. L.	Burlington
		Cooper, W. S.	Winterset
		Cope, Fred A.	Des Moines
		Corbett, E. M.	Sioux City
		Corlett, L. E.	Oskaloosa
		Cornwall, W. W.	Spencer
		Cosson, George	Audubon
		Courtright, O. B.	Waterloo
		Courts, Fred	Morning Sun
		Cowles, LaMonte	Burlington
		Cox, Clifford V.	Des Moines
		Coyle, D. F.	Humboldt
		Craig, John E.	Keokuk
		Craig, Theodore A.	Keokuk
		Crary, E. A.	Grundy Center
		Crocker, E. H.	Cedar Rapids
		Crockett, F. W.	Des Moines
		Cron, Wm. J.	Cedar Rapids
		Crosby, J. H.	Cedar Rapids
		Crosby, James O.	Garnaville
		Cross, John E.	Newton
		Crum, W. E.	Bedford
Cadwell, E. R.	Dunlap		
Caldwell, John R.	Toledo		
Calhoun, J. C.	Keosauqua		
Canaday, Walter	Marshalltown		
Capell, Frank J.	Council Bluffs		
Cardell, W. W.	Perry		
Carney, J. L.	Marshalltown		
Carpenter, C. A.	Columbus Jet.		
Carr, Hubert	Manchester		
Carr, E. M.	Manchester		
Carr, George H.	Des Moines		
Carr, J. W.	Montezuma		
Carroll, E. J.	Davenport		
Carson, Guy R.	Des Moines		
Carter, Homer B.	Sioux City		
Carter, John R.	Sioux City		
Carter, Memnon J.	Ossian		
Cash, C. J.	Anamosa		
Cavanagh, B. J.	Des Moines		
Cederquist, C. J.	Madrid		
Chamberlain, A. P.	Des Moines		
Chamberlain, Wm.	Cedar Rapids		
Chamberlin, W. M.	Davenport		
Chantland, Wm. T.	Fort Dodge		
Chappell, H. C.	Independence		
Cheshire, Thomas A.	Des Moines		
Church, Z. A.	Jefferson		

Cabbage, Roy E.	Des Moines	Edson, W. C.	Storm Lake
Cummings, B. F.	Marshalltown	Edwards, A. J.	Waterloo
Cummins, A. B.	Des Moines	Edwards, M. F.	Parkersburg
Cunningham, John	Humboldt	Eicher, E. C.	Burlington
Cutting, E. W.	Decorah	Eicher, H. M.	Washington
		Ellis, F. W.	Clinton
Dahlberg, C. L.	Des Moines	Ellison, F. O.	Anamosa
Dale, Horatio F.	Des Moines	Elwood, Lee W.	Elma
Davidson, F. C.	Emmetsburg	Ely, N. D.	Davenport
Davis, Aymer D.	Eldora	Emmons, O. W.	Manning
Davis, Frank M.	Corning	Erwin, Sam H.	Wapello
Davis, Frank T.	Mt. Vernon	Evans, E. B.	Des Moines
Davis, James C.	Des Moines	Evans, H. K.	Corydon
Davis, Walter M.	Iowa City	Evans, W. D.	Hampton
Dawley, F. F.	Cedar Rapids		
Dawson, E. A.	Waverly	Farber, E. N.	Marshalltown
Deacon, C. J.	Cedar Rapids	Farr, E. P.	Sioux City
Deemer, H. E.	Red Oak	Farnsworth, W. H.	Sioux City
Deery, John	Dubuque	Farrel, Frank	Fort Dodge
DeGraff, Lawrence	Des Moines	Farwell, F. E.	Waverly
DeMar, John C.	Des Moines	Faville, F. F.	Storm Lake
Dennis, L. D.	Cedar Rapids	Fee, T. G.	Centerville
Dennis, Wm.	Marion	Feely, Guy A.	Waterloo
Devitt, J. F.	Muscatine	Ferguson, Earl R.	Shenandoah
Devitt, James A.	Oskaloosa	Ferris, F. L.	Sioux City
Dewell, Jas. S.	Missouri Valley	Ferson, M. L.	Iowa City
DeWolf, Sherman W.	Reinbeck	Fiecke, C. A.	Davenport
Diamond, T. E.	Sheldon	Field, A. G.	Des Moines
Ditzan, Henry E. C.	Davenport	Finch, Geo. W.	Sioux City
Donegan, M. F.	Davenport	Finch, Parley	Humboldt
Donnelly, M. J.	Cedar Rapids	Fisher, A. W.	Walker
Dorn, C. R.	Des Moines	Fitzpatrick, Dan'l H.	Mason City
Douglas, Floyd	Fort Dodge	Flickinger, A. T.	Council Bluffs
Douglass, I. W.	Maxwell	Flickinger, I. N.	Council Bluffs
Drahos, Vincil	Cedar Rapids	Flickinger, Reed A.	Council Bluffs
Dudley, C. A.	Des Moines	Flynn, Sylvester	Eagle Grove
Duffield, R. E.	Guthrie Center	Fordyce, E. A.	Cedar Rapids
Dunham, G. W.	Manchester	France, J. C.	Tipton
Dunshee, Frank S.	Des Moines	Francis, L. E.	Spirit Lake
Dutcher, Charles M.	Iowa City	Frantzen, J. P.	Dubuque
Dye, Jos. M.	Swea City	French, Nathaniel	Davenport
Dyer, S. R.	Boone	Fribourg, A. L.	Sioux City
		Frick, M. W.	Rockwell City
Eaton, W. D.	Burlington	Frisk, Edwin J.	Des Moines
Edmunds, Earl	Correctionville	Fry, H. E.	Boone

Gaass, Geo. G.	Pella	Harmon, M. W.	Independence
Galer, E. S.	Mt. Pleasant	Harnagle, Geo.	Des Moines
Gamble, J. D.	Knoxville	Harpel, L. V.	Boone
Gannon, M. V.	Davenport	Harrington, T. P.	Algona
Gaynor, Frank R.	Le Mars	Hart, William H.	Sac City
Geiger, W. G. W.	Tipton	Hart, W. R.	Iowa City
Geake, M. X.	McGregor	Hartness, Moulton	Greene
Gilbert, Barry	Iowa City	Harvison, W. G.	Des Moines
Gillespie, John L.	Des Moines	Harwood, Herbert M.	Iowa City
Gilmore, M. C.	Ottumwa	Hatfield, Paul M.	Sioux City
Givin, Samuel B.	Adair	Hausberg, Ernest	Charles City
Goldsmith, Chas. D.	Sac City	Havner, H. M.	Marengo
Good, James W.	Cedar Rapids	Hays, Chas. L.	Eldora
Goodykoontz, W. W.	Boone	Hays, S. A.	Winterset
Graesser, Geo. W.	Des Moines	Heald, F. A.	Cedar Rapids
Green, W. R.	Audubon	Healy, M. F.	Fort Dodge
Greene, C. M.	Greene	Healy, Robert	Fort Dodge
Gregory, W. C.	Maquoketa	Helmer, Chas. C.	Carroll
Griffin, T. F.	Sioux City	Hellsell, Chas. A.	Fort Dodge
Griffiths, E. W.	Cedar Rapids	Hellsell, F. H.	Fort Dodge
Griffiths, Henry H.	Des Moines	Hellsell, W. A.	Odebolt
Grilk, Charles	Davenport	Heminger, Amos L.	Keosauqua
Grimm, J. M.	Cedar Rapids	Hemmingway, Max	Fort Dodge
Guernsey, N. T.	Des Moines	Henderson, O. J.	Webster City
Guthrie, Thomas J.	Des Moines	Henderson, J. A.	Jefferson
		Henderson, J. H.	Indianola
Haines, B. M.	Des Moines	Henderson, T. G.	Sioux City
Hale, Oscar	Wapello	Heninger, Chas. C.	Sigourney
Hall, J. C.	Davenport	Henry, Ward C.	Des Moines
Hall, S. M.	Cedar Rapids	Henry, Geo. F.	Des Moines
Hall, T. W.	Clinton	Herrick, M. W.	Monticello
Halladay, A. B.	Des Moines	Hess, A. G.	Sioux City
Hallam, J. W.	Sioux City	Hewitt, James P.	Des Moines
Halloran, John J.	Des Moines	Hickman, R. F.	Burlington
Hamann, Albert W.	Davenport	Higbee, D. W.	Creston
Hamiel, I. J.	Tipton	Hill, L. A.	Mason City
Hamilton, C. C.	Sioux City	Hirsch, Edward L.	Sidney
Hammill, John	Britt	Hise, George E.	Des Moines
Hanley, J. A.	Davenport	Hobson, A. N.	West Union
Hann, Fred W.	Cedar Rapids	Hoersch, Wm.	Davenport
Hansen, Harry N.	Des Moines	Hoffman, A. H.	Des Moines
Hanson, Clarence M.	Fort Dodge	Hoffman, W.	Muscatine
Harder, W. M.	Des Moines	Holleran, F. L.	Clinton
Harding, W. L.	Sioux City	Hollingsworth, A.	Keokuk
Harmeier, E. J.	Washington	Hollingsworth, Frank	Boone

Holsman, Henry B.	Guthrie Center	Joy, C. L.	Sioux City
Holsteen, Fred S.	Burlington	Joyce, M. M.	Fort Dodge
Hoover, Geo. C.	West Branch		
Horack, H. C.	Iowa City	Kamrar, J. L.	Webster City
Horan, L. J.	Muscatine	Kass, J. F.	Sioux City
Howard, B. G.	Jefferson	Keating, W. H.	Oskaloosa
Howe, James A.	Des Moines	Keeler, Burr C.	Mason City
Howell, C. F.	Centerville	Keeley, W. M.	Washington
Hoxie, W. P.	Waterloo	Keenan, Thos. W.	Shenandoah
Hubbard, J. W.	Sioux City	Keithley, Fred F.	Des Moines
Hubbard, Lyle	Sioux City	Kelleher, D. M.	Fort Dodge
Hubbard, N. M., Jr.	Des Moines	Kellogg, Geo. M., Jr.	Sioux City
Hubbell, F. M.	Des Moines	Kelly, M. H.	Waterloo
Hudson, E. P.	Des Moines	Kemmerer, Chas. T.	Davenport
Hughes, C. B.	West Union	Kendall, N. E.	Albia
Hughes, John N.	Cedar Rapids	Kenderdine, G. A.	Des Moines
Hull, H. W.	Madrid	Kenline, H. C.	Dubuque
Hunn, C. E.	Des Moines	Kennedy, J. L.	Sioux City
Hunter, Robt.	Sioux City	Kephart, George W.	Sioux City
Hurd, Louis G.	Dubuque	Kepler, M. H.	Northwood
Hurley, W. H.	Wapello	Kern, C. D.	Waterloo
Hutchinson, M. E.	Lake City	Kerr, William G.	Grundy Center
		Kimball, Clem F.	Council Bluffs
Iddings, Foster G.	Sioux City	Kindall, Azariah	Onawa
		Kindig, J. W.	Sioux City
Jackson, D. V.	Muscatine	Kingland, T. A.	Lake Mills
Jackson, W. M.	Bedford	Kirby, J. F.	Williamsburg
Jacques, Jos. R.	Ottumwa	Kirk, Clyde	Des Moines
Jamison, J. W.	Cedar Rapids	Klay, Gerrit	Orange City
Jayne, Henry	Muscatine	Knapp, Bradford	Washington, D. C.
Jennings, J. B.	Shenandoah		
Jensen, L. A.	Forest City	Knox, Carl P.	Stuart
Jepson, C. N.	Sioux City	Konzen, P. H.	Sioux City
Jepson, George	Sioux City	Korf, H. C.	Newton
Johnson, A. W.	Sioux City	Korns, F. R.	Des Moines
Johnson, E. A.	Lisbon	Kuehnle, Carl F.	Denison
Johnson, E. C.	Cedar Rapids	Kuhlemeier, H. F.	Burlington
Johnson, Irving	Oskaloosa		
Johnson, J. A.	Sioux City	Lacey, W. R.	Oskaloosa
Johnson, Robt. E.	Marshalltown	Ladd, Scott M.	Des Moines
Johnson, S. C.	Knoxville	Ladd, W. A.	Estherville
Johnston, Will E.	Ida Grove	Lake, John E.	Grinnell
Jones, Carl R.	Sioux City	Lane, Dick R.	Davenport
Jones, C. R.	Cedar Rapids	Lane, Joe R.	Davenport
Joseph, John F.	Sioux City	Lane, T. A.	Victor

Lane, Wilfred Clary	Des Moines	Matthews, M. C.	Dubuque
Larson, J. B.	Nevada	Mattice, M. J.	Webster City
Laton, H. W.	Des Moines	Mattox, L. H.	Shenandoah
Lawrence, G. W.	Marshalltown	Maurer, H. J.	Mechanicsville
Leach, R. E.	Independence	Maxwell, Chas. F.	Des Moines
Lee, C. G.	Ames	Maxwell, Thos. L.	Creston
Lee, J. W.	Webster City	McBeth, Robt. B.	Keosauqua
Leggett, C. D.	Fairfield	McCall, Edward M.	Nevada
Lehmann, F. W., Jr.	Des Moines	McCarthy, Daniel	Ames
Lehr, Andrew G.	Sioux City	McCarthy, Dwight G.	Emmetsburg
Lenihan, Jas. J.	Cedar Rapids	McClain, Emlin	Iowa City
Leonard, J. C.	Cedar Rapids	McConlogue, J. H.	Mason City
Letts, F. D.	Davenport	McCoy, Ben	Oskaloosa
Lewis, Chas. J.	Mt. Ayr	McCoy, E. H.	Waterloo
Lewis, W. B.	Montesuma	McCoy, John N.	Oskaloosa
Lewis, W. S.	Glenwood	McCulla, Walter P.	Charokee
Linville, G. P.	Cedar Rapids	McDonald, W. J.	Iowa City
Livingston, S. W.	Washington	McDuffie, I. J.	Le Mars
Locke, B. J.	Primghar	McElroy, W. O.	Newton
Logan, E. C.	Correctionville	McFerrer, Bube	Webster City
Lohr, F. W.	Sioux City	McGill, Arthur C.	Sioux City
Longley, Alfred	Waterloo	McGinnis, V. B.	Leon
Lovejoy, A. B.	Waterloo	McGrath, J. W.	Eagle Grove
Lovejoy, Owen	Jefferson	McGreevy, F. J.	Ackley
Lutz, T. B.	Mapleton	McHenry, W. H.	Des Moines
Lyman, H. G.	Grinnell	McIntyre, George A.	Shell Rock
Lyman, J. P.	Grinnell	McKemy, J. S.	Fairfield
Lyon, Arthur C.	Grinnell	McMahon, P. D.	Denison
Lyon, C. W.	Valley Junct.	McMannus, E. W.	Keokuk
Lyon, Geo. T.	Dubuque	McMillan, H. G.	Sioux City
Lyon, Willard H.	Knoxville	McNett, Walter	Ottumwa
		McNett, Wm.	Ottumwa
Mabry, J. C.	Centerville	McPherson, Smith	Bed Oak
Mack, Guy E.	Storm Lake	Meeker, F. L.	Marshalltown
Macomber, Chas. S.	Ida Grove	Mercer, John M.	Burlington
Maher, Frank	Fort Dodge	Merner, W. H.	Cedar Falls
Mahoney, T. J.	Boone	Mershon, J. E.	Des Moines
Malcolm, J. O.	Oskaloosa	Metcalf, C. B.	Sioux City
Markley, J. E. E.	Mason City	Milchrist, William	Sioux City
Marks, R. A.	Sioux City	Miles, Lewis	Corydon
Marsh, G. E.	Osage	Miles, M. J.	Cedar Rapids
Martin, H. S.	Le Mars	Miller, Archer C.	Keokuk
Martin, LeClair	Cedar Falls	Miller, A. M.	Des Moines
Martin, Wesley	Webster City	Miller, B. H.	Anamosa
Mather, C. H.	Tipton	Miller, C. J.	Rock Rapids

Miller, Jesse A.	Des Moines	Northrup, F. E.	Marshalltown
Miller, Justus A.	Cherokee	Nourse, Clinton L.	Des Moines
Miller, Oliver H.	Des Moines		
Miller, W. E.	Des Moines	O'Brien, Maxwell	Oskaloosa
Milligan, William D.	Guthrie Center	O'Brien, E. B.	Oelwein
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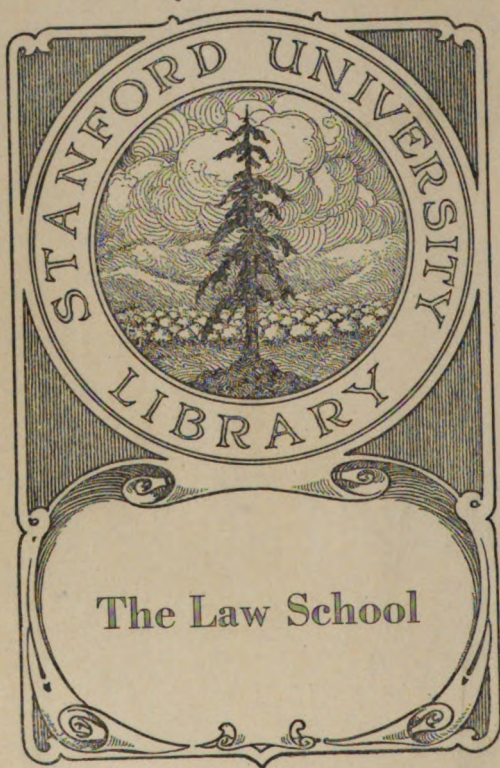
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PROCEEDINGS OF THE IOWA STATE BAR ASSOCIATION

TWENTY-FIRST
ANNUAL
SESSION

HELD AT FORT DODGE, IOWA
JUNE 24 AND 25, 1915







Yours very truly
W. T. Lawley

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OF THE
TWENTY-FIRST ANNUAL SESSION
OF THE
IOWA STATE BAR ASSOCIATION
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FORT DODGE, IOWA

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PROCEEDINGS OF THE
TWENTY-FIRST ANNUAL MEETING
OF
THE IOWA STATE BAR ASSOCIATION

HELD AT
FORT DODGE, IOWA, JUNE 24 AND 25, 1915

OPENING SESSION, THURSDAY, JUNE 24, 1915

9:30 O'CLOCK, A. M.

THE PRESIDENT: The Twenty-first Annual Meeting of the Iowa State Bar Association will please come to order. It will be opened with a prayer by the Reverend Edward E. Hastings of this city.

DIVINE INVOCATION

Our Heavenly Father, in the beginning of this day we lift our hearts and faces to Thee in praise and gratitude for the gift of life. We bless Thee for all the powers and faculties with which Thou hast imbued us. We thank Thee that by the use of reason and conscience we can direct these powers to possible ends. We bless Thee for all the facilities of comradeship, now as we begin the program of this day and we pray Thee that we may be led in Thee by the thought and discussion of the hour. We pray Thee that Thou wilt bless the fellowship and comradeship, and that these hours and the days spent in this Iowa city may be long remembered for the profit and joy of the occasion. We pray that Thou wilt keep us in the way of life and make us to know wisdom and truth. May we be devoted to everything good, lovely and wholesome in its essential character, in these days when the world is thrown into such confusion by the calamities that

are abroad and that we may still see the victory of the ultimate truth and justice. We thank Thee for the Teacher who came into our world and mingled in our affairs, and if sometimes it seems to us that the teachings of his Sermon on the Mount, and those teachings of conduct and duty are altogether too idealistic and are far beyond our power of achievement, notwithstanding that, we pray Thee that more and more the spirit of Him and His message may enter into our hearts that we may love such idealism.

And, now, our Father, we pray Thou wilt bless every deliberation of the members of this Association. May we recognize more and more our responsibility and privilege in connection with the affairs of life and the institutions of the land we love, until at last we shall have realized those high ideals we have aimed at, and that we may be blest, is our prayer this day. This we ask in Jesus' name. Amen.

THE PRESIDENT: Greetings to the Association will be given by Judge R. M. Wright, of Fort Dodge.

ADDRESS OF WELCOME

Mr. Chairman, Gentlemen of the Iowa State Bar Association, and others who may be present: To-day it is a great pleasure to me, in behalf of the lawyers and other citizens of Fort Dodge, to extend to you the voice and hand of welcome. You are welcome to no mean city. It is a city of happy homes, situated on the banks of a beautiful river, whose natural scenery in a quiet and subdued way, appeals to the eye and touches the imagination of every true lover of nature. Like other cities, however, we are possessed of each of the four classes into which Herbert Spencer divides human society,—the parasitical, the productive, the distributive, and the regulative. The parasitical class, as I understand it, is the class whose business is to get something for nothing. With us, this class is not unusually large, for the courts make it their business to eliminate this class as far as possible. As to the productive and the distributive classes, I need say but little, for the products of our mills are distributed over the whole northwest, and we take great pride in helping to build up such

cities as Minneapolis, St. Paul, Duluth, Sioux City, Cedar Rapids and Des Moines, to say nothing of Waterloo. We are not, however, given over wholly to materialism. We sometimes crave for higher and better things. We desire to build up the moral and intellectual man and to raise society to a higher level. This, gentlemen, is why we have invited you here to-day. From your presence and your teachings here we expect to learn something of value with respect to the making and the administering of the law. What we desire to learn from you pertains to the functions of the regulative class, which class consists of governors, sheriffs, legislators, statesmen and lawyers. Of this class we have had in the past our full share. Governor Carpenter was an honored citizen of Fort Dodge. The Hon. John F. Duncombe and the Hon. T. D. Healy, who left their many marks on the legislation of the State of Iowa, were likewise citizens of Fort Dodge, as was also the lamented Dolliver, who for many years was our Representative and Senator. These men all belonged to the regulative class and they regulated well. To-day, we have among us belonging to this class able lawyers. I know them well. They don't belong to the parasitical class. For everything they take, they give value in return. Their highest function consists in the making of settlements, the smoothing over of differences, the removing of causes of quarrels, and in persuading their clients to act as reasonable men and in a reasonable way. When, however, they must fight, they fight long and they fight well. They are honorable and upright, and for them I have an abiding affection.

Gentlemen of the Iowa State Bar Association, these are the men who welcome you here to-day. I believe their welcome is so hearty and so spontaneous that you will desire to come here again and that they will be so pleased with you that they will desire you to come here again. In behalf, then, of the Webster County Bar, and of all the good people of Fort Dodge, I again welcome you. The city is yours, gentlemen. Take it!

THE PRESIDENT: On behalf of the Association, this welcome so cordially extended will be responded to by the Hon. Claude R. Porter, of Centerville.

RESPONSE TO ADDRESS OF WELCOME

Mr. President and Members of the Iowa State Bar Association:

I am sure that there will be no dissenting voice, when I say that the hearty welcome, such as has been expressed by Judge Wright on behalf of the Bar of Fort Dodge, is appreciated by every member who is here. I feel certain from the words that he has spoken, a different spirit of comity exists between the Bar of this city and the Bar of the State generally, than was experienced by an attorney of Vermont recently. Two lawyers of some considerable ability were engaged in trying a lawsuit before a Justice of the Peace of that State. The plaintiff's counsel had made a very learned speech and had sat down to give way to the speech of the defense. The defendant's attorney, on arising, it seems, picked up what the plaintiff's attorney discerned to be a Massachusetts report, and knowing that the case which was about to be read was on all-fours with the case made by the defendant, plaintiff's counsel nudged the Justice of the Peace, and said: "Look out, he is about to pull a case from Massachusetts on you, and you are a Justice of the Peace from the State of Vermont." The defendant's attorney hadn't any more than arisen and commenced to read the report, when the Justice in a very dignified manner and fully conscious of the position he held, interrupted counsel for the defendant, saying: "Let me see the book you are about to read." He took the book, and thumbing it over and looking at it very learnedly and wisely, said: "You can't put any book from Massachusetts over on this court. Judgment for the plaintiff for the amount sued upon." I am satisfied no such spirit as that will obtain among the members of the Bar of this city and of the State of Iowa.

I think it was hardly necessary for the speaker to remind us of the character and reputation of the Bar of this city. I think it is a fact well known to every person, especially the members of our State Bar. I know of no Bar anywhere in the State that has occupied a more exalted position in the eyes of the people of the State of Iowa than that of Fort Dodge. I understand, in all of these things, we measure them very much as the friends of an

educational institution would measure the merits of that institution, and that is, by the membership of the institution at the present time, and the alumni it has produced. Certainly no Bar in this State has produced a more prominent list of alumni, so-to-speak, than has the Bar of Fort Dodge. This city can number among its list two United States Senators, a Governor of our great Commonwealth, members of the Iowa Legislature, a Solicitor of the United States Treasury, and positions of that kind, and I know nothing need to be said to this assemblage in reference to the character of the Bar as at present constituted here in this city, and I feel sure, Members of the Bar of Fort Dodge, that it is a real pleasure for this Association to meet with you, because of the fact that to be able to come in touch with and to be receptive of the spirit that has always animated the Bar of this city, will prove of great benefit in the future to the Bar of the State of Iowa.

I know we are all agreed, my friends, that when the historian of the future comes to give account of the time in which we are now meeting, that it will be undoubtedly placed as one of the epoch making periods in the history of the world. I think we all recognize that never in the history of mankind has there been such a terrible conflict anywhere upon the face of this globe as is now taking place practically over the entire continent of Europe, and the magnitude of this gigantic struggle, I believe, is beyond the comprehension of any of us at this time to fully appreciate. I saw an item in one of the papers the other day which stated that up to this time in that great conflict, more men have been actually killed in the line of battle than there are men, women and children in the great commonwealth of the State of Iowa. I am sure few of us are able to realize the extent of a contest like that is. Yet, to think, my friends, with all of that, here in this country we are sowing and planting and soon to reap—all of us engaged in the ordinary affairs of life, unhindered and almost unmindful of what is taking place across the waters. It occurs to me, Members of this Association, that in that is the strongest and most magnificent tribute possible to this great Republic of ours, of a Constitutional Government, founded and maintained

by the people of the country that compose it. As I said, it is the strongest tribute that could possibly be made to the people of the country in which we live, and I want to say just this: that I believe this Association appreciates that fact, even beyond any statement of mine here. I think we are all in accord on this proposition that the public opinion of this Commonwealth and the public opinion of this Nation is after all the mistress of the State and Nation, and that a great responsibility rests upon every one of us because of the fact that, as lawyers, we can contribute so much to the formation of a sound public opinion.

We are pledged to the supremacy of the law above everything else, and with that spirit, my friends, in the heart and mind of every member of the Iowa State Bar Association, I believe, that here, surrounded as we are by a people such as Judge Wright described, and with the history of the Bar, such as we have here in the city of Fort Dodge to inspire us, to lead us and guide us, that we will go about our deliberations with a spirit which it would be impossible to get in almost any other city in the State of Iowa. And so feeling, and believing that every member of the Iowa State Bar Association gathered here this morning agrees with me as to these sentiments, I know I can say, as suggested in the commencement, that, without a dissenting voice, every member is glad indeed to be here and is deeply appreciative of the generous welcome that has been extended by Judge Wright to the Bar Association of this State.

THE PRESIDENT: Gentlemen, the business of the Association consists, in the first place, of hearing or making any offers to correct the minutes of the last meeting. If any one has any corrections to offer, we will hear them now, and if there are no such corrections, the minutes will stand approved. I hear none.

Has any member any petitions or memorials or matters of that sort to present which may be referred to the proper committees? If not, we will proceed with the next order of business, and the first thing in order will be the report of the Committee on Membership which will be presented by the chairman, Mr. Robert Healy of Fort Dodge.

REPORT OF THE COMMITTEE ON MEMBERSHIP

To the Iowa State Bar Association: Your Committee on Membership begs leave to report that they have received written applications in due form from the following attorneys who are hereby recommended for election to membership in this Association:

J. L. Bonar	Algona	Robt. Bonson	Dubuque
L. J. Dickinson	Algona	John G. Chalmers	Dubuque
S. E. McMahon	Algona	Robt. W. Clewell	Dubuque
Sumner D. Quarton	Algona	T. J. Fitzpatrick	Dubuque
E. J. Van Ness	Algona	A. J. Kane	Dubuque
Wm. Hutchinson	Alton	J. W. Kintzinger	Dubuque
Jno. Y. Luke	Ames	D. E. Maguire	Dubuque
R. E. Nichol	Ames	John I. Mullany	Dubuque
Tom C. Whitmore	Atlantic	P. J. Nelson	Dubuque
O. T. Gullixson	Bode	Hugh Stuart	Dubuque
Walter R. Dyer	Boone	C. F. Murphy	Elkader
F. W. Gance	Boone	A. J. Palas	Elkader
Paul Guelich	Burlington	Richard C. Leggett	Fairfield
Purley Rinker	Centerville	O. W. Stevenson	Fayette
Leslie Archerd	Clarion	J. Marcellus Jensen	Forest City
M. F. Birdsall	Clarion	Alan Loth	Forest City
Charles E. Swanson	Council Bluffs	James F. Barton	Fort Dodge
H. B. Betty	Davenport	C. A. Bryant	Fort Dodge
R. B. Cook	Davenport	E. E. Cavanaugh	Fort Dodge
Wayne G. Cook	Davenport	M. J. Fitzpatrick	Fort Dodge
Henry H. Jebens	Davenport	V. E. Gabrielson	Fort Dodge
Chas. B. Kaufmann	Davenport	F. A. Grosenbaugh	Fort Dodge
J. Reed Lane	Davenport	E. H. Johnson	Fort Dodge
Alfred C. Mueller	Davenport	Frederic Larrabee	Fort Dodge
Isaac Petersberger	Davenport	S. N. Magowan	Fort Dodge
A. G. Sampson	Davenport	Grover M. Neese	Fort Dodge
William T. Waterman	Davenport	B. J. Price	Fort Dodge
Merle F. Wells	Davenport	H. W. Stowe	Fort Dodge
C. N. Houck	Decorah	G. H. Winans	Fort Dodge
George McHenry	Denison	F. E. Blackstone	Garner
L. W. Powers	Denison	I. C. Hastings	Garner
James E. Goodwin	Des Moines	Clyde C. Coyle	Humboldt
E. J. Kelly	Des Moines	K. W. Garfield	Humboldt
Don B. Shaw	Des Moines	G. S. Garfield	Humboldt
Vincent Starzinger	Des Moines	L. W. Housel	Humboldt
Geo. A. Wilson	Des Moines	Frank S. Lovrien	Humboldt

D. T. Oxborrow	Humboldt	H. L. Bryson	North English
O. C. Brown	Indianola	William B. Hiller	Oakville
Jacob Van der Zee	Iowa City	W. T. Evans	Parkersburg
D. C. McCully	Jefferson	W. H. Fahey	Perry
E. B. Wilson	Jefferson	C. D. Atkinson	Pocahontas
G. R. Buckles	Keosauqua	T. F. Lynch	Pocahontas
F. M. Miles	Livermore	W. C. Ralston	Pocahontas
Thomas Arthur	Logan	O. T. Gillet	Red Oak
V. P. McManus	Manson	V. V. McIntosh	Shenandoah
B. F. Clough	Mason City	T. L. Brookhart	Washington
L. T. Carney	Marshalltown	J. E. Burnstedt	Webster City
E. H. Addison	Nevada	John D. Porter	Webster City
Herbert E. Hadley	Nevada	G. D. Thompson	Webster City
Harry Langland	Nevada	W. E. Wallace	Williamsburg
Ross B. Mowry	Newton		

Respectfully submitted,

ROBERT HEALY, *Chairman.*

Upon motion duly made the Report of the Committee on Membership was received and placed on file, and the applicants elected to membership.

THE PRESIDENT: I am advised that there is no report prepared by the Committee on Affiliated City Bar Associations. The next business in order then will be the Report of the Treasurer.

REPORT OF THE TREASURER

From June 24, 1914, to June 1, 1915

RECEIPTS

Balance on hand from last report, June 24, 1914.....	\$1133.20
Membership fees	96.00
Annual dues	670.00
A. J. Small, Librarian.....	16.54
Total Receipts.....	\$1915.74

DISBURSEMENTS

Roscoe Pound, Annual Address (Order No. 56).....	\$ 150.00
H. C. Horack, salary as Secretary to June 1, 1914 (Order No. 57)	200.00
C. G. Saunders, for expenses and railroad fare in attending the funeral of President John F. Lacey (Order No. 54)	12.14

C. J. Wilson, Chairman of Committee on Legal Biography, for printing, postage, expenses, etc. (Order No. 58)	13.00
J. L. Carney, for expenses in attending the funeral of President John F. Lacey (Order No. 59).....	3.75
J. P. Blaise, for expenses and reporting proceedings of 1914 meeting (Order No. 60).....	80.18
H. C. Horack, for salary as Secretary for June, July, August and September, 1914 (Order No. 61).....	100.00
J. Van der Zee, for compiling and assembling index of proceedings, Vols. XVI to XX (Order No. 63).....	50.75
Frank T. Nash, for salary as Treasurer for June, July, August and September, 1914 (Order No. 62).....	66.67
Economy Advertising Co., for printing 1914 proceedings, supplies, etc. (Order No. 64).....	723.42
H. C. Horack, for postage, expenses and supplies (Order No. 65)	86.29
Frank T. Nash, Treasurer, for postage, stationery, supplies, etc. (Order No. 66).....	37.50
H. E. Deemer, Chairman Judiciary Building Committee, for postage (Order No. 67).....	2.44
H. C. Horack, for salary as Secretary for October, November, December and January, and revenue stamp (Order No. 68)	100.02
Frank T. Nash, for salary as Treasurer for October, November, December and January (Order No. 69).....	66.67
Frank T. Nash, for salary as Treasurer for February, March, April and May (Order No. 70).....	66.66
H. C. Horack, for postage, expenses and supplies (Order No. 71)	42.36
H. C. Horack, for salary as Secretary for February, March, April and May (Order No. 72).....	100.00
Total disbursements	\$1901.85
Balance on hand.....	13.89
Total	\$1915.74

Respectfully submitted,

FRANK T. NASH, *Treasurer.*

Upon motion duly made the report of the Treasurer was received and placed on file.

THE PRESIDENT: The Secretary will read the report of the Auditing Committee.

REPORT OF THE AUDITING COMMITTEE

The Auditing Committee report that the account of the Treasurer has been examined and found to be correct. The account includes receipts and disbursements to and including June 1, 1915.

We recommend that the account be passed and approved and made of record.

GEO. W. SEEVERS,

H. H. SHERIFF,

W. R. LACEY,

Auditing Committee.

Upon motion duly made the report of the Auditing Committee was received and placed on file.

THE PRESIDENT: Is there anything to report by the Committee on Grievances at this time?

MR. J. L. CARNEY: Not at this time. I would like to announce that the committee will have a meeting at 1 o'clock to-day.

THE PRESIDENT: The next in order will be the report of the Committee on Legal History and Biography. I believe Judge W. R. Lewis is a member of that committee.

JUDGE LEWIS: *Mr. President, and Members of the Association:* Mr. C. J. Wilson, of Washington, prepared the report, but is unable to be present at this meeting, so he has charged me, as a junior member of the committee, to present this report, which is as follows:

REPORT OF COMMITTEE ON LEGAL BIOGRAPHY

Mr. President, and Gentlemen of the Association: Your Committee on Legal Biography and History beg leave to report that since its report on June 25, 1914, there have been thirty-nine deaths within our ranks, as gathered from reports received from the Clerks of Court of the several counties throughout the State. Of this number, Judge Caldwell, formerly of the Van Buren County Bar, and Mr. Louis H. Jackson, formerly of the Johnson County Bar, have been for many years residents of California.

For some time past, the members of the committee have felt that biographical sketches of deceased members should be prepared by members of the local Bar of which the deceased was a member; and in accordance with that plan we are pleased to say that the sketches accompanying this report are, with a single exception, written by an intimate acquaintance and friend of the deceased, a fitting compliment and solemn duty performed for those we respected and honored in life. In this manner it is possible to preserve at least a fairly truthful record of the achievements and life-work of those who have crossed to "the undiscovered country from whose bourne no traveler returns"; and at the same time, local color, sincerity and appreciation permeate the sketches.

The list this year contains the names of many eminent lawyers and jurists of this State, and serves as a forceful reminder that

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour,
The paths of glory lead but to the grave.

The following are the names of those who have died within the year:

B. A. Billings, Chickasaw County Bar.
Henry Clay Caldwell, Van Buren County Bar.
F. A. Charles, Carroll County Bar.
John Cliggitt, Cerro Gordo County Bar.
Edward Cook, Scott County Bar.
W. W. Cory, Wapello County Bar.
Anthony C. Daly, Marshall County Bar.
Madison B. Davis, Woodbury County Bar.
Frank W. Eichelberger, Davis County Bar.
Homer Green, Cherokee County Bar.
W. S. Griffith, Linn County Bar.
J. D. M. Hamilton, Lee County Bar.
John M. Herron, Mahaska County Bar.
M. A. Hoyt, Carroll County Bar.
John T. Illick, Des Moines County Bar.
Louis H. Jackson, Johnson County Bar.
James W. Jamison, Linn County Bar.
Mrs. M. L. Kennedy, Woodbury County Bar.

Jed Lake, Buchanan County Bar.
Robert E. Leach, Buchanan County Bar.
Sabert T. Marshall, Lee County Bar.
Emlin McClain, Johnson County Bar.
William O. McElroy, Jasper County Bar.
Smith McPherson, Montgomery County Bar.
Timothy T. Murphy, Woodbury County Bar.
Alonzo C. Parker, Polk County Bar.
George M. Pardoe, Woodbury County Bar.
George Howard Phillips, Fayette County Bar.
W. L. Read, Polk County Bar.
Cyrus S. Ranck, Johnson County Bar.
F. W. Reisinger, Grundy County Bar.
L. A. Riley, Louisa County Bar.
Charles A. Rogers, Hardin County Bar.
G. H. Schultze, Clayton County Bar.
W. E. Snelling, Marshall County Bar.
Louis F. Springer, Buchanan County Bar.
F. M. Taylor, Kossuth County Bar.
Z. W. Thomas, Webster County Bar.
W. M. Welch, Jones County Bar.

The sketches submitted herewith show to whom the committee are indebted for their preparation; and to each of these gentlemen the members of the committee desire to acknowledge their appreciation of the kindly consideration and invaluable assistance rendered by the contributors. We also wish to thank the Clerks of the District Courts of the State for their prompt and cheerful response to inquiries.

We submit the report with the assurance that the accompanying biographical sketches will be interesting and instructive, and that the plan adopted this year will meet with your full approval.

Respectfully submitted,

C. J. WILSON,
Chairman.

BURTON A. BILLINGS; 1844-1914

Burton A. Billings was a native of St. Lawrence County, New York, where he was born December 2, 1844. He moved with his parents, Sanford and Caroline Billings, to Pecatonica, Illinois, in 1853, and the following year to Bradford, Chickasaw County,

Iowa. He was educated at Bradford Academy and Grinnell College. He was endowed with a bright mind and always led in student work in school.

Bradford was a center of patriotic sentiment in 1861 and Mr. Billings enlisted early in the war but was prevented from going to the front because of his youth and was sent to Grinnell College, where in 1864 he took matters in his own hands and enlisted in Company B, Forty-sixth Iowa Infantry, and served until the close of the war.

He began the study of law in the office of A. G. Case in Bradford and was admitted to the Bar about 1870. He had splendid legal ability and won success in the courts of Northeastern Iowa, where he practiced until recent years. He was a member of the Bradford Lodge No. 129, A. F. & A. M., of the Geo. W. F. Dodge Post G. A. R., and of the First Congregational Church of Nashua.

He was married to Mrs. Emma Webber in 1897, who died ten years later. Mr. Billings, in his day, was one of the best known attorneys in his county and had much to do with political affairs. He was also a writer of ability and contributed many articles to the local papers on the early history of this section of the country.

His health failing he went to the Soldiers' Home at Marshalltown several years ago where he remained, except for occasional visits home, until death overtook him. He died October 7, 1914, and was buried in Greenwood cemetery on the banks of the Cedar River near Nashua, where most of his life had been spent.

J. M. HEALD.

HENRY CLAY CALDWELL; 1832-1915

Henry Clay Caldwell, former Judge of the United States Circuit Court of Appeals, died at his home in Los Angeles, California, February 15, 1915, and was buried at Little Rock, Arkansas, on the 20th. In his death another of the few remaining actors in the most trying period of American history (excluding the present) is taken from the ranks of our citizenship. His career on the Federal Bench of thirty-nine years was among

the most extended in our annals, and back of it lay a period of three years of distinguished activity as a soldier in the war for the Union, and back of that a term in the Legislature of his State, which had been preceded by a term as prosecuting attorney for his county. From early manhood until the date of his retirement in 1903, a period of forty-seven years, Caldwell had been in the service of the public. A long interval, crowded with work, in the performance of which the first and conclusive consideration can be said without reservation or extravagance to have been the good of his fellow-men.

This letter which Judge Caldwell received from Theodore Roosevelt, then President of the United States, conveyed more than formal testimony to the value of his long and conscientious labors as a Federal Judge:

WHITE HOUSE, WASHINGTON, June 8, 1903.

Sir: It is with sincere regret that your resignation as United States Circuit Judge for the Eighth Circuit, to take effect June 4, 1903, is hereby accepted as tendered. I desire to take this occasion to congratulate you upon your long and faithful service upon the United States Bench with such distinguished usefulness and to assure you of the high esteem which your ability and integrity have always commanded. The impartial administration of law and justice which has marked your judicial career should bring a serene satisfaction to you in your remaining years, which I trust will be many, and full of health and happiness. Sincerely yours,

THEODORE ROOSEVELT.

Writing to the committee having in charge the dedication of the Wapello County court-house, at Ottumwa, Iowa, some years ago, Caldwell gave expression to these sentiments:

May your court-house stand for all time as a symbol of the law—a sacred temple of justice where the good shall be protected and the bad punished; where the person, the liberty, the reputation and property of every citizen shall find ready and effectual protection; where an injury to the humblest will be punished as a wrong inflicted on the state; where no precedent, however hoary with age, will be admitted to justify absurdity or work injustice, and where no hair-splitting technicalities and refinements will be allowed to delay or defeat the enforcement of those principles of eternal and inviolable right which were before all courts and which ought to be their constant and unvarying guide.

In a personal letter to the writer of this sketch accompanying

a package of materials for use in relating the story of his life and services, under date of June 14, 1914, the Judge said, alluding to the paragraph quoted above:

Amongst the materials sent you is a halfsheet of the *Ottumwa Courier* containing a short letter of mine. . . . I send this because I want you to know that the last paragraph in that letter expresses my lifelong convictions as to the considerations that should guide courts in the administration of justice. It is a consoling reflection to know that I constantly struggled to give effect to the sentiments expressed in that paragraph, during all my service on the bench. I have and always have had an undying animosity to technicalities.

Thoughtful perusal of Caldwell's decisions in many cases of great importance coming before his court, and now and then of a dissenting opinion, shows conclusively that, as administered by him, law went as straight to the mark in its great task of securing and assuring right and justice as a mind lacking absolute infallibility can ever hope to guide it.

From his birthplace in Marshall County, Virginia, Henry Clay Caldwell was brought by his parents to southeastern Iowa, at that time attached to the territory of Wisconsin, when a child of four years. He was born December 4, 1832. His father, Van Caldwell, was also Virginian by birth, and though opposed to slavery, the malign effects of which he was too wise a man to overlook, he was proud of the greatness of his State. A man of strong character, honest, upright and conscientious as the day, he cherished intense likings and equally intense prejudices. In regard to the latter, though regretting slavery, as has been said, he detested all abolitionists, and looking upon New England as the prolific native soil of that troublesome growth, his primary and instinctive attitude toward all New Englanders was one of hearty distrust. In his log cabin on the banks of the Des Moines, he practiced the open and unstinted hospitality characteristic of the pioneer westerner, but from this hospitality the New Englander was coldly excluded.

The Judge thus described his father's manner with travelers passing on the trail up the river: In front of the house was planted an "upping-block" (stepping block, made from a section

of the trunk of a great forest tree) on which, seating himself, the elder Caldwell was wont to await and greet the approaching journeyer. "Stranger, where are you from?" To which the reply might be, "From Burlington," or "From Keokuk." "Oh, where are you from into the territory, I mean." "Into the territory? Well, I'm from Virginia," or perhaps, "From Maryland," or "North Carolina," or "Kentucky." If from any southern State, or, indeed any State outside New England the invitation in heartiest voice would quickly follow: "Well, get right down from your horse, and come in and rest yourself. By jocks, you don't go any further to-day." But if it happened that the traveler hailed from Massachusetts, or any Yankee State, the hospitable settler would leave his seat on the "upping-block," and with lowering brow and expression of deep disdain, turn his back on the pilgrim and seek the seclusion of his house.

Van Caldwell was a partisan of "Gallant Harry of the West," as the naming of his son would signify, and like thousands who fell gladly under the sway of Henry Clay's wonderful personality, not only admired but idolized him. "When news of Clay's death reached my father," said the Judge, "he went to bed, so heartsick that all the strength went out of him. And actually he came near dying of grief."

By permission of the United States, and the Indians, Van Caldwell settled on a tract of land bordering on the river, about two miles below where the town of Eldon is now situated, sometime in 1836 or 1837, for the purpose of establishing a ferry across the Des Moines to give access to a government mill, then contemplated on Soap Creek, about two miles south of the river; and later he acquired title to the land and remained on it until his death. Chief Blackhawk was buried near the Caldwell acres. Indians visited the grave at intervals, and the boy Henry Clay saw as much of the red natives in his early years as of members of his own race, if not more. He had no fear of them, indeed, was a favorite with braves and squaws and the little Indian children, whose only clothing was the shadow of the forest or the sunshine of the prairie. Through his association with the Indian boys, with whom he played in the woods and in dugout canoes

on the river, he learned the Indian dialect, and his proficiency in this once served to save the whole household from massacre. The story, however, cannot be told here for lack of space.

At the date of which we are writing, the Bar of Keosauqua was famous for its men of legal learning, force and ability. Clay Caldwell became a student in the law office of Knapp & Wright, at the early age of fifteen. His schooling had been meager and irregular, but he possessed in high degree the capacity for self-education. Though a boy in years when he began to read law, he was possessed of a wide store of information. His father's companionship had been in itself a liberal education. Knapp & Wright were great lawyers. The former served on the bench of the District Court for many years, was United States District Attorney under Pierce and Buchanan and at later dates had the honor of being the nominee of his party for the State Supreme Court and for the governorship. Owing to his being attached to the political party in those times in the minority, he was in each case defeated. He was one of the five lawyers of national repute who were appointed on the Congregational commission to sift the charges against Henry Ward Beecher, in 1876. George G. Wright, whose brother, Joseph A., was Governor of Indiana and minister to Prussia, served many years on the Supreme Bench of Iowa, and a term in the United States Senate, in the latter case declining renomination at its expiration.

Admitted to the Bar in 1851, young Caldwell was taken into the firm, and became at once, youthful as he was, a valued member of it. Ere long he was elected County Attorney, and so well did he fulfill the important duties of that office that in 1858, he was elected to the General Assembly of the State. From conviction he had allied himself with the Republican party, whose principles on the subject of slavery commended themselves to his native love of freedom and justice and hatred of oppression. In the Legislature his ability was recognized by his immediate appointment to the important chairmanship of the judiciary committee. Events were rapidly shaping themselves, however, through which he was summoned to a different field of action.

Caldwell was a delegate to the National Republican Convention

of 1860 at Chicago but did not attend, owing to pressure of business. "I was for Lincoln," he explained in a letter to the writer, "so was my alternate: otherwise I should have gone, no matter what the inconvenience. My brother, Samuel T. Caldwell, and my uncle, Joseph W. Caldwell, were in the convention, and were for Lincoln." Resigning his seat in the Legislature at the outbreak of war, Caldwell enlisted in the Third Iowa Cavalry, a regiment that was recruited in the early summer of 1861, and mustered into service during August and September at Keokuk. It contained twelve companies, divided into three battalions of four hundred men each. H. C. Caldwell, C. H. Perry and W. C. Drake were appointed Majors.

The official records contain many references to the gallant and successful services on various occasions of Major Caldwell, who was promoted for meritorious conduct, first to be Lieutenant-Colonel, and then Colonel. In the Little Rock campaign acting as chief of staff to Brigadier-General Davidson, Lieutenant-Colonel Caldwell was invested with command of the entire cavalry division, consisting of six thousand men. By very skillful work he surprised and drove the Confederates from the city, for which service together with the admirable manner in which he maintained order in the capital after its capture, the young officer was recommended both by Brigadier-General Davidson and Major-General Steele for "promotion to the rank of a general officer."

While serving with his regiment in Tennessee in June, 1864, Colonel Caldwell received a dispatch from Washington informing him that it was his to choose between a Brigadier-Generalship in the army, or the position of United States District Judge for the district of Arkansas. After duly considering the matter, it being apparent that the war was near its close, he decided to accept the judicial appointment, and so notified the President. The entire judicial system of Arkansas had suffered disorganization as a result of the war, sharing the ruin of practically all functions of the State. Leading members both of Bench and Bar had cast in their fortunes with the Confederacy, and of course were without standing or influence. Very speedily indeed, they were disfran-

chised. Many questions of the utmost importance to the welfare of the State and its citizens awaited action by the courts and if matters were to return to a healthy and normal condition, a man of the highest character as well as judicial ability and force, was needed for the federal judgeship.

Appointments such as this, which came unsolicited to Colonel Caldwell, were commonly made on partisan grounds, and too often the tremendous power of the federal courts was administered in a partisan manner. There were many influences, indeed, to induce a judge to act with bias, some of them peculiarly insidious. While actual war was raging, few were wholly immune to the passions and prejudices of the time, and the very ardor of patriotic attachment to the government was liable to bend the occupant of the bench from that calm and strict impartiality of temper which should at all times hold the balance in the judicial mind.

When news of the appointment became known in Little Rock, it was received with misgivings. Colonel Caldwell in the capacity of a military commander had administered the affairs of the city with impartiality indeed, and in such thorough-going way that there had been the best of order. But it was military rule, and the virtues displayed by the Colonel were military virtues. He was a soldier, a northern soldier, with presumably the feelings of a northern soldier toward the "rebels." He had laid aside the sword to don the ermine. In what spirit would he wear it? this was a question anxiously debated by the people of the capital and indeed, of the entire State. And the sequel was waited not without hope, but also not without grave anxiety. It must suffice to say, that the new judge slowly but steadily won his way into public confidence through the conscientious ability with which he performed his high duties, and that this confidence grew and deepened through the long term of his service on the district bench. It would be quite within bounds to add that he came at length to be regarded as the first citizen of the State.

It is a saying of Judge Caldwell's own, that "The human skull is the temple of human errors," and that "judicial clay is like all other human clay." It would be too much to assume, very

likely, in view of the general fallibility of the human mind, that the Judge in the long period of his career on the Bench, the longest in American history, had never made an error in judgment. This, however, may be said in all confidence, that he never "sold or denied or delayed right or justice;" neither was he ever led by any of the many deceptive influences that play upon the interests of men in every branch of the public service, not excepting the judicial, to prefer the cause of the wealthy and powerful to that of the poor and weak. If ever in American history there has been a court at whose bar the humblest citizen could feel assurance of a just determination of his cause, that court was Judge Caldwell's.

The many involved and difficult cases coming before his court, having their origin in the collapse of a government, and a revolution in the social and industrial order, tried both his learning and his spirit. His disposition of them was eminently fair and just. Said the *American Law Review* in the course of a long editorial article summarizing his work, at the time of his retirement:

Like Jesus of Nazareth, Judge Caldwell, at every turn, in every act, on every occasion, "had compassion on the multitude." The consciousness of having on every occasion where it was possible, done good, and having on every occasion where it was not possible, endeavored to do good, is a rare jewel for a judge to take with him into his retirement.

Upon assuming the duties of his office, Judge Caldwell found the remains of an antiquated form of court procedure, admirably adapted to confuse, to delay, and on occasions, to abort justice. He had great power. He used this power to institute fresh and sensible, and as far as possible direct and non-technical modes of procedure, to the immense advantage of all honest persons and just causes that came into his court. Judge Caldwell was a fervent advocate of the system of trial by jury, and no more eloquent and convincing defenses of the jury, as the crown of all human devices for securing justice and maintaining the rights of those most in need of protection, were ever made than those which, on many occasions came from his lips and pen. He ordered jury trials in a large class of causes in his court, which in other courts were frequently determined by the judge alone. He

opposed, too, with all his learning and logic and the weight of his profound convictions of natural right, abuses of the writ of injunction; declaring that resort to this form of court action, in industrial cases particularly, was revolutionary, and subversive of the principles on which all free institutions rest. Judge Caldwell regarded the courts as the main pillar in the edifice of true civilization, and frequently declared that, reduced to its last analysis, "the law and the enforcement thereof, are all there is to a free government."

There existed in Arkansas a mortgage law commonly spoken of as the "anaconda" mortgage, the characteristics of which might accurately be inferred from its striking popular title. Drawn with conscienceless skill in the sole interest of money-lenders, its effects were notoriously evident in the ease with which hapless borrowers were dispossessed of their property. One of the most beneficent pieces of work achieved by Caldwell was accomplished as the direct result of an attack made by him upon that infamous law, which was accompanied by specific suggestions for new statutes, in an address on "The Relation of Debtor and Creditor," delivered before the Arkansas Bar Association at Little Rock, in January, 1886. The substance of the plea contained in the address may be inferred from one of its closing paragraphs:

It is a grave mistake to suppose you can permanently benefit one class in a community by permanently impoverishing the other. Whatever tends to oppress and debase one class, will in the end, prove disastrous to all classes.

And quoting Edmund Burke, the learned jurist added:

I know that credit must be preserved, but equity must be preserved, too, and it is impossible that anything should be necessary to commerce which is inconsistent with justice.

Desirous of knowing to what extent this and related suggestions as to the remedying of unjust laws bore fruit in new statutes, I wrote to Judge Caldwell, asking the question. Replying he said:

I am glad to say that most of my addresses on what I esteemed defects in the laws bore fruits. The extremely unjust and oppressive features of the

"anaconda" mortgage law were repealed soon after the publication of my address on "The Relation of Debtor and Creditor," and fairly liberal exemptions allowed debtors; the absurd rulings of the courts of chancery by which the usury laws were effectually nullified were done away with and the law on that subject made to correspond to the recommendations found on page 5 of my address on "Interest." How effectually this was done you will perceive from a copy of the statute which I enclose. (The limits of this article forbid the inclusion of this statute.) My address was delivered October 14, 1886, and the statute was passed March 3, 1887, at the first session after publication of the address. This statute put an end to usurious contracts in Arkansas. I had something to do with framing and aiding in the passage of several laws of general interest to the people of the State, among them the law securing to married women their property against the claims of their husbands and husbands' creditors. I could name several other laws, but it is needless.

Caldwell was the first judge in the United States to allow labor to be represented in court in its organized capacity. The distinction was his also, of being the first to declare against abuses of the writ of injunction in issues between employer and employee. With wealth of legal and historical learning and with force of eloquence born of profound passion for liberty and justice, he appealed against usurpations by the equity side of the court and proclaimed the right, under the Constitution, of jury trials in the large class of cases growing out of the contests between labor and capital.

It would be of interest to the reader, and instructive as well did space permit, to follow some of his contentions in this highly important branch of jurisprudence. They appear in connection with various decisions and opinions in cases in his court after he became a Circuit Judge of the United States Court. The whole subject in controversy was exhaustively and convincingly treated in an address on "Trial by Judge and Jury," given by him before the Missouri Bar Association in St. Louis in 1898.

A decision in which important rights of labor were involved, and which was widely discussed at the time, was what was known as the Union Pacific case, in which the receivers of the road had reduced wages of employes without previous notice and without any regard to a long-standing agreement between the company and its men, whereby opportunity was guaranteed to the latter to

present their side of the case. A judge of the United States District Court had sustained the receivers in their action, whereupon appeal was taken by the workers to Judge Caldwell of the United States Circuit Court. Caldwell decided in favor of the employees, and in reading up this case, the writer was interested in coming upon a comment from *The Springfield Republican* on the decision, which he reproduces here, as showing in brief the character of the decision and its importance as a precedent. Says *The Republican*, in an issue of April, 1894:

The Judge bases his final decision apparently on the ground that the men were being paid no more than their due, whether the road paid or not. This makes a notable departure from the rule hitherto followed in such cases. It will at least serve the purpose of cutting from the labor unions some of their grounds of criticism of the attitude of the United States Courts toward labor. But, the character of the decision aside, Judge Caldwell has taken the sound and novel position that bankrupt railroads are really run by the United States Courts and not wholly by the receivers who happen to be in charge.

A keenly ironical comment on this case, at the expense of the railroad receivers, appeared in the *Chicago Herald*. It appears that those men, aggrieved by Judge Caldwell's decision, had threatened to resign. This dire threat they had reconsidered, and, says the *Herald*,

will continue to perform the duties of receivership, which seems to consist chiefly in a strict and regular attendance at the cashier's office on salary day, and a perpetual nagging interference with any one in their employ who knows anything about the railroad business. The receivers will stick to their posts as long as there is a cent in sight, spite of the perverse and contumacious conduct of Judge Caldwell.

The Judge was a delightful raconteur and immensely enjoyed reciting events connected with early days in Iowa. A passage in an address delivered some score or more years ago, before the Old Settlers' Association at Keosauqua, contains one of the most appreciative and faithful descriptions of the sturdy men who laid the foundations of democratic civilization in "the Great West" that ever was written. As the type has forever vanished, it is worth preserving:

The typical pioneer was a grand character. He was animated by an honest ambition to acquire a home—and by a home I mean a farm, not a town lot. He was not a speculator, not a land-grabber. It goes without saying that he was poor. His capital consisted of pluck and muscle, and a wife and ten children, more or less, the more children the more capital. He was self-reliant, brave, patriotic, and honest. He was big brained, horny-handed, and sunburned and brawny. He was not proud but he scorned to be serf to any man, and had a laudable desire to own the acres he tilled. . . . He was a firm believer in the doctrine, that by the law of Nature, the first occupant and subduer of the soil is the rightful owner. . . . He recognized his obligations to pay the government \$1.25 an acre for his home, when he got the money, and claimed the right and was ready to exercise it, to visit condign punishment on the speculator who should "enter him out," or bid one cent over the minimum price for the land when it was offered at public sale to the highest bidder. He knew that by law, his log cabin was his "castle and fortress," which he might defend to the last extremity against all intruders. He knew that it had been said of the poor man's cottage in England, that "it may be frail; its roof may shake; the storms may enter; the rain may enter, but the king of England cannot enter; all his forces dare not cross the threshold of the ruined tenement." And while he might not be able to quote this eloquent statement of the law with textual accuracy, he grasped its spirit, and expressed it with brevity and force when he declared that "the king of England backed by all his armies dare not enter a poor man's cottage, and what the king of England dare not do in that country, no heartless speculator shall do in this." He believed that his settlement and improvement and honest intention to pay the government for the land as soon as by hard toil he could earn the money, gave him title against all the world: and when an issue arose between him and the speculators no judge was ever able to make a jury of pioneers see the law in any other light.

Describing the outfit of the pioneer for his long, toilsome journey from the older States, the Judge said:

First in order comes the covered wagon, with its motive power of oxen or horses. Interest, however, centers in the contents of the wagon. It contained a slender stock of bedding and provisions, a skillet, oven, pot, frying pan, tea kettle, and coffee pot. These were enough cooking utensils to run a hotel in those times. There was an ax, broad-ax, saw, auger, draw-knife, iron wedge, frow, spinning wheel, and the gearing of a loom the frame of which was made on the spot, a family Bible, and trusty rifle, a small stock of seed corn and garden seeds, and fastened to the tail-end of the wagon was a chicken coop that contained the first settlers in that line. These were the resources with which savages were subdued, forests felled, houses built, and a great commonwealth founded.

After his retirement from the Federal Circuit Bench in 1903, Judge Caldwell spent the greater part of a year in the Sandwich Islands, and returning took up his abode in Los Angeles. He had married, in March, 1854, Harriet Benton, a sister of the wife of Judge Knapp, and the sixtieth anniversary of this happy wedded connection was celebrated with distinguished ceremony at Little Rock in 1914. The visit which the Judge and his wife paid to their old home in Keosauqua following that event proved to be his last. He had a quiet summer, but the coming of fall found him in failing health. Just before Thanksgiving day he was taken ill, his condition from the beginning giving his family and friends much concern. There were fluctuations in his case, and once or twice good hopes were entertained of his recovery. This, sad to say, was not to be. The end came on the 15th of February. He was taken, as stated above, to Little Rock for burial, the city which had been his home for the entire time of his service on the Bench, which as a foeman in war he had captured, the hearts of whose people also he had made captive very early in his judicial career, by virtue of his unbending integrity and his fidelity to their highest interests.

CHARLES E. PERKINS.

F. A. CHARLES; 1849-1914

Mr. Charles was identified with the interests of Carroll County since 1878. He was born in Noble County, Indiana, August 17, 1849, and was left an orphan at the age of three years. Kind friends residing at Beaver Dam, Wisconsin, cared for him until he was about fifteen years of age, when in 1864 he removed to Iowa and located at Iowa City, where he entered school, graduating from the State University June 20, 1876. After his graduation, he located at Belleview, Iowa, where he opened an office and commenced the practice of law. He remained here until the year 1878 when he removed to Arcadia, Carroll County, where he became a partner with J. C. Engleman in the practice. This partnership continued until 1885 when he moved to Coon Rapids and opened an office of his own, and continued in the practice of his profession until his health failed about two years before his

death. His ailment developed into Bright's disease to which he succumbed June 5, 1914.

In 1878 he was married to Mary E. Wilson of Iowa City, who died December 25, 1891. She was a lady of superior accomplishments, and an author of some note, her *nom de plume* being Ethel Ashleigh. To this union was born one son, Clarence L. Charles, who still resides at Coon Rapids. In 1892 he married Mrs. Mary C. Mason who survives him.

Politically Mr. Charles was a Republican and a tireless worker in the cause of his friends, but he never held any political position, always preferring to devote his time to his profession.

M. M. COONEY.

JOHN CLIGGITT; 1840-1914

John Cliggitt was born in Montgomery County, New York, August 25, 1840, and died at his home in Mason City, Iowa, on the 17th day of June, 1914.

His early education was received in the public schools of Vermont, Wisconsin and Illinois. He entered the Chicago Law School in 1868 and graduated therefrom in 1869, at which time he was admitted to the practice in the courts of Illinois.

In 1871 Mr. Cliggitt came to Mason City and in September of that year he entered into a partnership with Mr. Charles Husted, under the firm name of Husted & Cliggitt. This firm continued until 1875 when Mr. Husted moved away from Mason City. Soon thereafter Mr. Cliggitt formed a partnership with Captain George R. Miller, under the firm name of Miller & Cliggitt, and it so continued until the death of Captain Miller in 1876. In 1889 Mr. Cliggitt formed a partnership with Mr. Duncan Rule, the firm being Cliggitt & Rule. Later Mr. B. C. Keeler and Mr. Earl Smith joined the firm but subsequently Mr. Keeler and Mr. Smith retired, and at the time of Mr. Cliggitt's death the firm was Cliggitt & Rule.

In 1879 Mr. Cliggitt was married to Miss Ella Brightman of Mason City, Iowa, who survives him. Mr. Cliggitt served Mason City well as its Mayor and he was a great many times the choice of his party in State and District for high official honors. He

was a man of highest character and of wide and varied attainments. He was a lawyer of great learning and ability and one of the leaders of the Bar in this State for over a quarter of a century. A truly great lawyer, he was loved and honored by all who knew him. His death is a great loss to the State; to the profession that he so well loved and so highly honored, and to this community of immediate friends and associates.

The members of the Bar of the District Court of Cerro Gordo County at the November term thereof, Hon. J. J. Clark, Judge presiding, in open court unanimously adopted the following resolutions and by order of the Court were made of record:

The members of the Bar of Cerro Gordo County deeply and sadly lamenting the death of John Cliggitt desire to place upon the records of this Court, an expression of their regret for the loss suffered by this Court, Bar and County in his untimely death.

Without fear or favor, and without reproach, with an exalted idea of his duty as a lawyer, with a commanding knowledge of the law and its principles, and with familiarity and surpassing power in its practice, from 1871 to 1914, a period of forty-three years, he stood the acknowledged leader of the Bar of this county and the peer of the great lawyers of the State.

The influence of his private and professional life was at all times wholesome and uplifting and powerfully contributed to the respect for the law and the courts of our country.

JOHN D. GLASS.

EDWARD E. COOK; 1843-1914

"On June 16, 1914, Edward E. Cook, a distinguished member of this Bar for more than half a century, departed this life at his country home in this county, near Buffalo. He was born in Davenport, August 13, 1843, and was educated in schools here, at Washington, D. C., Rochester, Geneva, and Albany, New York. He graduated from the Albany Law School in May, 1863, and was thereupon admitted to the practice by the Supreme Court of New York; and, on returning to Davenport, he was admitted as an attorney of this court on Monday, the 18th of May, 1863; and from that time until two or three years ago, when his health began to fail, he was continuously, actively engaged in the practice, which, through his great ability, assiduity, and strict integrity,

had grown to be extensive and varied. He was engaged on one side or the other of practically every important case tried in this court during the last forty years of his practice, and no one ever served his clients better than he.

“He was the leader of our Bar, and the recognized standard for professional ethics. He shone as a beacon light to the younger members of the profession, whom he was always ready and glad to assist and advise on all occasions. When there was doubt as to the morality of a course of action he was frequently consulted, and his decision was regarded as final. The eminence of this Bar for professional conduct and courtesy is largely due to him, for he, as the recognized leader, always held the standard high and untarnished.

“In all his relations of life he was courteous, considerate, candid, kind, genial, gentle, charitable, just, and withal most sensitively honorable. He was courageous yet modest; tender yet manly; sympathetic yet unobtrusive; plain-spoken yet never offensive. He cared more for character than for reputation, and for substance rather than semblance. He avoided notoriety, and spurned all display and ostentation.

“He valued men for what they were, not for what they had. He despised deception and duplicity, shunned all sham, and scorned every scandal. He never spoke ill of any one, nor could any one speak ill of him. He was full of the sunshine of life, always keeping his heart young—being full of good cheer and good fellowship, clever at repartee, and often sparkling with sallies of pleasing wit. This, with his constant kindness, always made him the center of interest in any circle during the social hour—proving himself a most delightful companion and friend.

“He lived a simple, useful, clean, righteous life—a successful life. The following has been recognized and accepted as the best definition ever given of what constitutes success in life:

He has achieved success who has lived well, laughed often, and loved much; who has gained the respect of intelligent men and the love of little children; who has filled his niche and accomplished his task; who has left the world better than he found it, whether by an improved poppy, a perfect poem, or a rescued soul; who has never lacked appreciation of earth's beauty

or failed to express it; who has looked for the best in others and gave the best he had; whose life was an inspiration, and whose memory is a benediction.

“Judged and measured even by this high standard, the life of Edward E. Cook was truly a grand success. How fully and completely his life met all the requirements; and his success proves that virtue yet has its reward.

“His predominating qualities and characteristics as a man were his uprightness, his considerateness, his gentleness, his kindness; as a citizen his broad democracy, his love of liberty and equal rights to all men; and as a lawyer his profound knowledge of jurisprudence, his keen legal acumen, his indomitable courage, his untiring industry, and his devotion to duty, which, all combined, made him a lawyer of great power and ability, and especially was he distinguished for his humanity, his integrity, his sincerity, and his great love of right and equity.

“The secret of his power, and the lesson of his life, was his conscientious discharge of duty and his constant endeavor to effectuate justice. He was a great lawyer but greater still as a citizen and as a man—a grand character. The elements of virtue were so nicely and admirably blended in him as to make him Nature’s nobleman. No man has been held in higher esteem or has enjoyed the respect and confidence of his fellow-men to a greater degree than he. Strongly intrenched in the affections of the people with whom he lived and moved without reproach all his life, he needs no granite shaft or statue of bronze to perpetuate his memory, for to live in the hearts he has left behind is not to die. After life’s fitful fever he is now at rest, sleeping the sleep of the just.

“We rejoice that he has lived, and that we had the privilege of personally knowing him, and are ever grateful that we came within the radius of his beneficent influence as associates at this Bar. We now keenly feel his loss, and deeply mourn his departing. Though gone hence, the fine influence of his noble life still remains, and the sweet fragrance of his kind acts and good deeds shall ever waft on down the labyrinths of time.

“ ‘Beloved leader, associate and friend, we bid thee a fond goodbye, but no final farewell.’ ”

This memorial, which the writer had the honor to draft, and which was adopted by the Scott County Bar Association, is simply a plain statement of facts without any adornment or overstatement regarding the subject. Mr. Cook was admitted to the practice when only nineteen years of age and it occurred in this way: Upon his graduation from the Albany Law School he was admitted to the practice by the Supreme Court of New York, and he then returned home. At this time Judge Dillon was on the District Bench in Davenport, an old friend and former law partner of Mr. Cook's father, the Honorable John P. Cook. One day the father said to the Judge: "Ed has just returned home and wants to enter the practice at once, but don't see how he can do it as he is only nineteen years old. He has graduated from the law school and received a certificate to practice from the Supreme Court of New York." Whereupon Judge Dillon, who knew full well the splendid attainments and qualifications of the young man, said: "The courts of Iowa give full faith and credit to the records of the courts of a sister State, and I propose to follow the rule." The certificate of admission in New York was then produced, and Mr. Cook, on motion in Judge Dillon's court, was admitted to practice in Iowa.

He possessed in the highest degree the three indispensable qualifications or essentials that go to make the great lawyer, and being in the order of their importance: first, character—integrity; second, diligence—industry; third, ability—acumen.

He practiced law with an eye and aim to effectuate justice rather than to win cases only. He was at all times fair and honest with his client, with his adversary, and with the court. He practiced law on a high plane of professional ethics. In his flights he soared the upper, higher air, the pure empyrean blue of the legal practice. He would not stoop to a wrong nor consent to an injustice. When once moved by the righteousness of his cause he could not be swerved nor thwarted in his purpose. His

industry was extraordinary, and he was painstaking and accurate in all his work. He thoroughly prepared his cases as to both the law and the facts before trial. In argument he gave light rather than heat, yet at times there would be considerable glow.

He was a great hand to settle controversies. With him a fair settlement was better than a good lawsuit. The opposing counsel, however, had to be fair and square in his negotiations or otherwise the deal would be quickly declared off. He never resorted to any subterfuge himself, and could not countenance it in others. He believed in and practiced giving value received for what he obtained. His religion was right living. He paid more attention to deeds than to creeds, and to practice more than to profession. He practiced simple living and lofty thinking. He was grand in his simplicity, his modesty, his sincerity. In his daily life he obeyed the dictates of a sensitive conscience, the promptings of a loving heart, practicing the precept of the Golden Rule. His philosophy of life was work, good cheer, and kindness. With him all work was great and noble if well done. Every honest toil to him was honorable; neither birth nor station, neither circumstance nor vocation, could win or prevent the esteem to which fidelity, honesty, and sincerity are alone entitled. With even eye did he read the hearts of men, the true test of their worth. He was an ardent lover of liberty and the champion of equal rights for all men—a grand specimen of the highest type of American citizen.

A literary club in Davenport known as the Contemporary Club, to which he had belonged for many years, paid a beautiful tribute to his memory which is appropriate to be given here on this occasion, and being as follows:

When strength is joined with tenderness, courage with wisdom, mental vigor with consideration for the views of others, unswerving devotion to duty with broad charity for human weakness, and when to these noble qualities of mind and heart the finishing grace of genial humor is added, we have the balanced, complete character which wins love and commands respect. Such a character is a constant force making for righteousness. It never fails in time of need. It is as reliable as the stars in their courses. Very often the qualities of mind and heart which we most admire are accompanied by such contemptible faults, such pitiful weakness, that the close inspection afforded

by familiarity breeds contempt. In very rare cases does familiarity add love without diminishing respect.

Intimate personal acquaintance with our late associate Edward E. Cook gave birth to love and esteem, even greater than our admiration of his eminent ability as a lawyer. In our discussions, and the preparation of papers, his strong mind, with his broad vision, found full scope.

Too often in the clash of wit, victory is accompanied by pain, but his victories were marked by the kindly feeling which was an inseparable part of his personality. We admired his mental strength, and were won by the genial kindly way in which it expressed itself. It was this ever present consideration for others which made him so lovable and so greatly beloved.

In him sincerity never became rudeness. He was forgetful of self but never of others. His loyalty to duty never became so austere as to cloud the joyousness of life. He was modest and unassuming, though a leader of men. In all the relations of life a devotion to the service of others was his ruling spirit. To think, as well as to speak and to act kindly, was a part of his nature. The community has lost the upright, public spirited citizen; the Bar the great lawyer whose counsel and conduct realized the highest ideals. His friends mourn the loss of one they loved.

This fine tribute of the Contemporary Club is the work of Judge Nathaniel French and Judge Charles M. Waterman, the committee appointed to draft the same, two intimate personal friends of the departed.

The entire life of Mr. Cook was without any stain or stigma, no blur nor blame to dim the luster of his name. He radiated beneficent influences reaching far and wide. His presence was an inspiration, and his life lighted the way to the eternities.

After life's arduous voyage he reached at last a haven of rest; and under the great universal law of like attracting like, his sweet, unsullied soul has joined congenial spirits of its own kind—the immortal host of the just in the blissful realm of eternal peace.

WILLIAM THEOPHILUS.

W. W. CORY; 1836-1914

W. W. Cory, Esq., was born in Ohio, in 1836. He there studied law and was admitted to practice. In the fall of 1866 he came to Ottumwa, Iowa, and entered upon the practice of law, where he continued to reside and to practice for a period of nearly forty-seven years.

He was a man of very sanguine temperament, and practiced

law upon what might be termed the intensive principle. He was not what might be called a close student of the law, although in the course of time he became possessed of quite a thorough and correct idea and conception of the general principles of the law. His forte, however, as a lawyer, was not in the briefing of cases, or in the thorough and correct investigation of the principles of law, so much as it was in his presentation of the facts of the case. In this line he excelled. In the presentation of a case upon its facts to the court, and particularly to a jury, he was a very difficult adversary to meet. He made the case of his client his own case. He was intensely loyal to his clientage, and allowed hardly any consideration, or hardly any overwhelming flood of facts adverse to his client, to weaken either his confidence in his client's cause, or his advocacy thereof.

Most lawyers are willing to take some chances to press in their service evidence of doubtful admissibility, but when vigorously opposed, rather than take the chance of reversal, yield to the inevitable and forego the coveted but inadmissible evidence. With Mr. Cory it was rare, particularly in the trial of a case to a jury, that he suffered very seriously because certain facts, which he desired to prove, were excluded by the court upon objection. In some way or other, and by the exercise of methods and strategy of his own, he managed to filter into the jury box at least a very strong suspicion of the truth of certain facts which he sought to prove, over the objections and rulings of the court, so that, although they were excluded, in the long run he had the benefit of them without the embarrassment of an erroneous ruling in his favor. In this respect he excelled. It would not be of interest, or very profitable, to undertake to tell how he accomplished this, since it would have been useless for any lawyer, not possessed of his peculiar faculty, to have undertaken to make use of the method by which he availed himself of the benefits of excluded evidence. Although his client was pretty obviously in the wrong, and the opposing client in the right, yet before the case got through, it was not infrequently the case that the wrong man won, and the right man could never quite understand why he was put in the wrong.

Though the looking up and careful briefing of the law was not a strong point with Mr. Cory, yet when he had a case of first-class importance, he not infrequently came into court with a thoroughly well prepared brief, which he made use of by forcing line upon line, and precept upon precept, upon the attention of the court.

He was not fond of Supreme Court work, and if he had associated with him counsel in whom he had confidence, he was quite content to leave to him the formulation of the legal propositions, while he took care of the facts. Perhaps the most important case, and one of far-reaching influence, as the sequel proved, was that of *Jordan v. Woodin*, 93 Iowa 453. The case was important, not only for the amount involved, but for certain questions involved touching the interpretation of wills. He spent a great deal of time upon the case, and although the opinion is of some length, it hardly discloses the scope and extent of the briefs which were submitted. However, it had the effect to apparently harmonize some cases which theretofore had been supposed to be out of harmony, and has since been much cited, although it is perhaps a debatable question whether the Supreme Court has not again departed from the principle laid down in that case.

Mr. Cory had the commendable quality of soon forgetting whatever bitterness may have grown up in a hotly contested case. It is said that Webster once summed up the life of the average lawyer as one who worked hard, lived well, and died poor. The working hard and living well can fairly be applied to Mr. Cory, but he had the rather exceptional quality among lawyers of accumulation. While his practice was not as large as many other lawyers, he had what might be called the faculty of seeing a bargain, and of taking it in, with the result that he accumulated quite a competence, and ample means for the comfortable support of those whom he left dependent upon him.

He gave up the struggle of life in Los Angeles, California, on the 16th day of January, 1914. The Bar of his county shortly afterwards held memorial services which were characterized by very many kindly sentiments in his behalf, from his legal associates of his many years at the Ottumwa Bar. His remains were

brought to Ottumwa, where he had spent the best years of his life, in the ardent and successful practice of law, and now repose in the cemetery where his little son found a resting place many years before.

WM. MCNETT.

ANTHONY C. DALY; 1851-1914

Anthony C. Daly died at his home in Marshalltown on the 29th of May, 1914, after thirty-eight years active practice of his profession. Mr. Daly was a native of Boston, Massachusetts, where he was born October 11, 1851, of Irish parentage. Reared in Boston, graduating from the Boston High School and graduating from the Boston Law School in 1876, he was well fitted the year following when he was elected a member of the Massachusetts Legislature.

He came to Marshalltown in 1878, to become assistant to H. E. J. Boardman who was at the time General Solicitor of the Iowa Central Railway. Some nine years later Mr. Boardman retired as General Solicitor of the railroad, and J. H. Blair, then an attorney of Marshalltown, formed a co-partnership with Mr. Daly. Blair and Daly were made joint General Solicitors. Two years later Mr. Blair was called to New York and Mr. Daly became General Solicitor for the Iowa Central and continued in that capacity until 1896. He became associated with T. F. Bradford which association lasted until 1904.

Politically Mr. Daly was always a Democrat and always ready to carry the party standard in its numerous struggles. Though a candidate many times and defeated he was in 1910 elected County Attorney of Marshall County, reelected in 1912 and was acting as such at the time of his death.

On December 31, 1885, Mr. Daly married Miss Harriet C. Butler who survives him together with one sister, Miss Margaret Daly of Boston. On the death of Mr. Daly the Bar of this State lost an able lawyer who never allowed his personal consideration to cause him to forget the paramount importance of preserving the integrity of the courts.

ROBERT E. JOHNSON.

MADISON BARTLETT DAVIS; 1837-1914

Madison Bartlett Davis was born at Canaan, New Hampshire, on the 10th day of November, 1837, and was educated in Salisbury, New Hampshire.

On August 26, 1861, he enlisted in the First New England Cavalry and was mustered into the United States service on the 17th day of December following. The name of the regiment was afterwards changed to the First Regiment Rhode Island Cavalry, and afterwards was known as the First New Hampshire Cavalry. He was taken prisoner June 1, 1863, paroled on the 14th day of July following, and exchanged July 14, 1863. He reënlisted and was taken prisoner November 12, 1864, paroled January 5, 1865, and again exchanged March 13, 1865. He took part in a number of the most important engagements of the war, and was discharged from the service May 16, 1865.

He removed from Salisbury, New Hampshire, to Denmark, Iowa, in the year 1866; commenced the study of law in the office of Hon. J. M. Casey, of Fort Madison, Iowa, in 1868, and was admitted to the Bar in Lee County, Iowa, in December, 1871. He was admitted to the Supreme Court of this State March 18, 1875, and to the Supreme Court of the United States April 10, 1894. He removed to Sioux City on June 14, 1874.

Mr. Davis became a member of the Odd Fellows Society December 28, 1868, and held several important official positions in the subordinate and grand lodge. He also belonged to the Grand Army of the Republic, being a charter member of General Hancock Post No. 22, and was Department Commander of Iowa in 1900. While he was Department Commander of the G. A. R., he laid the corner stone of the shaft at Sioux City, which now marks the place of the burial of Sergeant Floyd, one of the first white men to pass through this section with the Lewis and Clark expedition.

Mr. Davis died in Sioux City on July 28, 1914. It will be noted that he was a member of the Bar of Woodbury County for more than forty years, and was therefore, at the time of his death, one of the oldest practitioners in this county. For the first thirty

years of his professional life in Woodbury County he was actively engaged in the practice in the State Courts, but during the last ten years he had given his attention largely to a certain line of land cases in the Federal Courts, and most of his time, up to within a few years of his death, was given up to such Federal Court cases.

Mr. Davis was an imposing man and was a natural orator. He enjoyed taking part in all the various functions of the G. A. R. Post and of the many societies to which he belonged. He was one of the class of lawyers of which only a few are left, who attempted to reason out his cases, and was not concerned so much about what is now termed "case law." In all his dealings with the members of the Bar he was always honorable, and in his deportment and demeanor in court, he was always courtly. And in his dealings generally with his fellow-practitioners his word was always good. He strove at all times to be accommodating and fair. He was familiarly known for many years as Colonel Davis, and was always looked upon as one of those men who enjoyed the greatest good-fellowship with his neighbors and friends.

D. C. SHULL.

FRANK WINTERS EICHELBERGER; 1841-1914

Frank Winters Eichelberger was born in Piqua, Ohio, August 7, 1841. His father was a baker and confectioner, and carried on the business in Piqua, Covington, and Xenia, Ohio. His mother's name was Winters, and she was a member of the Winters family who were prominent people in that part of Ohio. They belonged to the German Reformed Church and possessed that sturdy prepotent character which impresses itself upon the offspring. His mother was a woman of splendid personal appearance, large head, and possessed an unusual mental and moral character. From the father Frank inherited his genial and cheerful disposition, and from his mother a large brain and correct ideals of uprightness.

His early years were spent in Ohio and I remember of his telling that Whitelaw Reid and he were chums and playmates. He said that Whitelaw Reid's father was sheriff at Xenia and it be-

came his duty to erect a scaffold and hang a man. Frank and Whitelaw secreted themselves in the jail where they could witness the execution, and he said that for a long time the horrible picture would come up in his mind, and cause him considerable discomfiture. Afterwards when Whitelaw Reid became famous as a newspaper man, and later as ambassador to England, Frank loved to speak of him and recall their early days as boys together.

About 1854 the family moved to Muscatine, Iowa, and Frank's boyhood days at Muscatine were ever fresh and green in his recollection. He loved to refer to the occurrences about Muscatine. In his Muscatine boyhood days the great achievement among the boys was to be able to swim the Mississippi River. One day he and a chum named Bill Stewart, minus bathing suits, undertook the dangerous proposition. When about half way across, Frank took time to look both ways, and seeing how far he was from either shore became stampeded. He commenced striking fast, and his companion saw that he was scared, and began "cussing" him, and told him to turn over on his back and float. This he did, and soon recovered from his fright. When they landed on the Illinois shore, they were about four or five miles down the river from where they went in, without clothing. They managed to get home some way which I have forgotten.

His father was a model hotel man, and a very genial host. He conducted hotels in Muscatine, Davenport, Washington, Burlington, Mt. Pleasant, Ottumwa, and Bloomfield. During all this time Frank was in and around the hotel, and formed that fondness for hotel life which ever remained with him. When on the Bench in later years he loved to take his wife with him and was perfectly happy and contented to live in a hotel. During his boyhood he was afflicted with what is commonly called "white swelling," which caused the lameness compelling him to use a cane. When the war came on, the Union sentiment about Muscatine ran high, and he made an unsuccessful effort to get into the army, his physical debility barring him. He became an army correspondent, and was with the army in and around Memphis, Tennessee, for some time. He had a special fitness for newspaper

work, and was connected for a time with the *Muscatine Journal* and later with the *Washington Press*.

He has told the writer of an occasion when he was reporter on the *Press* at Washington. Henry Clay Dean was advertised to make a political speech. Dean was regarded as a copper-head, and quite obnoxious to the strong Union sentiment in and about Washington. In the last issue before the meeting, Frank wrote up a notice of the meeting and had occasion to refer to "Dean's dirty shirt." It was very common in those days, in speaking of Henry Clay Dean, to speak of the soiled condition of his linen. The article rubbed it in pretty strong. When the time came for the address Frank was present at the table to report the speech in full. He afterwards would laugh and tell about Dean's introductory remarks, when he complimented the appearance of the young reporter present. He said he had known his mother for many years, and knew her to be a most estimable lady of splendid qualities and character, and but for his acquaintance with her, he would have inferred from the article that Frank's mother was a washerwoman. Frank said that he stood it as long as he could, but saw that the crowd was enjoying it at his expense, and he bolted from the room with Dean's caustic language ringing in his ears. His newspaper experience helped to give him a liking for politics. He was almost always a delegate to the State conventions and thus formed the acquaintance of the prominent men of the State.

Judge Eichelberger read law with Judge Williams in Ottumwa, was admitted to the Bar in 1868, and commenced the practice of his profession at Bloomfield about that time. He formed a partnership with H. C. Travers soon afterwards, and they remained partners until Judge Travers was elected to the Bench in 1880. During the first few years of his practice he was Mayor of Bloomfield, and a member of the city council. While he was a member of the council he introduced a resolution which caused some local amusement. The farmers had made some complaint about having the town cows bother their wagons when their teams were hitched around the square. Frank's resolution provided that the farm-

ers should put in their wagons and sleds a better quality of hay and corn so that the town cows would be better provided for.

The law firm was Travers, Payne & Eichelberger for two or three years before Judge Travers was elected to the Bench. Then the firm consisted of D. H. Payne and F. W. Eichelberger until about 1891. From that time he maintained a partnership with H. C. Taylor, the firm name being Eichelberger & Taylor. In January, 1895, Judge Eichelberger began his service as Judge of the District Court of Iowa in the Second District. He was nominated and re-nominated continuously every four years thereafter, and at the time of his death October 11, 1914, he was just about completing his twentieth year of judicial service. The writer hereof was associated with him for ten or twelve years and has observed him many times in court, and now thinks that he was able to take a cited case and boil it down in a few minutes and use it to the best advantage of any lawyer that he has known. After he went upon the Bench he still had that splendid gift of analyzing cited cases and selecting out the correct interpretation of the same.

As a lawyer he excelled in the preparation of law questions in the case. His physical disability deprived him of that activity which is necessary to gather up the witnesses and prepare the facts in the case. He had, however, a kind of intuitive skill in the selection of the important questions to present upon the trial. As a practitioner he did not like jury work and never seemed to have much confidence in being able to sway a jury or lead them his way. He had taken a business course in the college at Poughkeepsie, New York, and was capable and competent to handle that class of cases which requires a technical knowledge of book-keeping or commercial business.

After Judge Eichelberger was placed upon the Bench he was given a position where his whole-souled and genial manner won for him an unusually wide circle of friends. These friends were from all classes. Perhaps, had he not died, although it was certain he could never serve again on the Bench, he still would have been reelected to the position. Many of his friends felt that if he had to go he should hold the position nominally, at least.

It was very interesting to hear him tell of the early days about Davenport, Muscatine, Washington, and Mt. Pleasant. When he lived at those places he was of the age to be impressed, and the occurrences stamped themselves upon his memory. Living in the hotels he was in the midst of the moving, traveling public, and was kept strung up to a high tension in what was going on. His interest in newspaper work also made him note the people in each locality, and enabled him to form friendships with the older families in all those towns. He was inclined to kindness and generosity almost to a fault. It hurt him to be compelled to refuse the request of a friend, even in matters of litigation. He was happiest when he could give both sides about what they asked. However, when it came to a decision, as between conflicting rights, he was able to hew to the line, and do it in a kind and conciliatory manner. Since his promotion to the Bench, the lawyers of Bloomfield, through deference to him, made no objection to his renomination, and refused to enter the race against him.

He was married to Miss Ella Pratt, a Muscatine girl, during his residence at Muscatine. They had one child, a daughter, who died at the age of thirteen years. His widow is now living in Los Angeles, California. One brother survived him, W. G. Eichelberger of Bloomfield, Iowa. Judge Eichelberger died at the Ballingall Hotel in Ottumwa, Iowa, and a special train brought the remains from Ottumwa to Bloomfield, where his funeral occurred. He was a member of the Odd Fellows lodge and of the Elks. These two orders had charge of the funeral services at the grave, and the Rev. Tucker of Ottumwa preached the funeral discourse. The honorary pall bearers were the Judges and ex-Judges of the Second District, and the active pall bearers were the members of the Davis County Bar Association.

DILLON H. PAYNE.

HOMER W. GREEN; 1891-1914

Homer W. Green was born at Cherokee, Iowa, on June 9, 1891. He graduated from the Cherokee High School in the year 1910, and after attending college at Beloit, Wisconsin, for one year, he

entered the Law Department of the State University of Iowa, and was admitted to the Bar in the year 1913, and immediately started in the active practice of the law in the city of Cherokee, Iowa, where he continued to reside until the time of his death, which occurred on the 20th day of June, 1914.

He was a member of the Presbyterian Church, Speculative Lodge No. 387, A. F. & A. M., and Assistant Secretary of the Cherokee Commercial Club. While attending college at the State University of Iowa, he became a member of the Phi Alpha Delta fraternity.

He is survived by his father, J. S. Green, a sister, Daisy E. Green, and two brothers, George A. Green of Hollywood, California, a lawyer, and Joseph A. Green, a Lieutenant in the United States Army, stationed at Fort Mills, Philippine Islands.

His wide circle of acquaintances in Cherokee County, together with his high moral character and natural ability, promised for him an unusually successful career in the practice of law, and his sudden and untimely death was a great shock to all his friends and relatives.

W. K. HERRICK.

W. SANFORD GRIFFITHS; 1847-1914

W. Sanford Griffiths was born at Battle Creek, Michigan, August 20, 1847, and died at his home in Marion, Iowa, July 5, 1914. When about fifteen years old he became a telegraph operator, on the Michigan Central Railroad, and was at one time superintendent of the American Telegraph Co. in Michigan, before it was taken over by the Western Union. He participated in several campaigns in Tennessee and Kentucky, in the Civil War, as a war telegrapher.

He began the study of law in Detroit and afterward attended the law school at Ann Arbor, where he was admitted to practice in 1877. He joined Detroit Lodge No. 2, of the Masonic order, in 1878. In 1879 he engaged in the practice of law at Leadville, Colorado, in partnership with Geo. C. Bates, but a few years afterwards moved to Marion, Iowa. While at Leadville he was married to Miss Ella Beeler.

In the course of his life he had traveled a great deal, visiting

Great Britain, France, and Central and South America. He is survived by his wife and two brothers.

F. F. DAWLEY.

JOHN DANIEL MILLER HAMILTON; 1851-1914

John Daniel Miller Hamilton was born in the city of Pittsburg, Pennsylvania, July 18, 1851, and died in Kansas City, Missouri, September 20, 1914.

He was the oldest son of John Scott and Sarah Miller Hamilton, his mother being the daughter of one of the pioneers of Lee County. The family removed to Ft. Madison, Iowa, in 1851. His father was one of the distinguished lawyers of southeastern Iowa, in its early history and as a member of the General Assembly, one of the pioneer law makers of the State.

J. D. M. Hamilton, known throughout Iowa and the Middle West as "Miller" Hamilton, received his early education in the schools of Ft. Madison and then took a literary course in Knox College at Galesburg, Illinois. He afterwards entered the law department of Washington University at St. Louis, graduating from there in 1875. Shortly thereafter he became associated with Hon. John Van Valkenburg in the practice of the law at Ft. Madison and the firm became one of the most prominent in southeastern Iowa. In 1898 he removed to Topeka, Kansas, to accept the position of general claims attorney for the entire system of the Atchison, Topeka, & Santa Fe Railway, and resided there at the time of his death. In this position he was probably the originator of the "Safety First" movement that has since been adopted and expanded by almost every railroad and other large industrial corporation in this country.

During his residence in Iowa, Mr. Hamilton was a Democrat and one of the leaders of his party in the State. He was city solicitor of Ft. Madison for four years, a member of the House of Representatives in the General Assembly in 1878, and then Mayor of the city of Ft. Madison for six years. In 1880 he was Presidential Elector for the first district of Iowa and was appointed by Governor Sherman as a member of the commission to locate and build the southwestern hospital for the insane, now

located at Clarinda. He later refused nominations for the State Senate and for Congress, devoting his entire time to his legal practice.

He was an unusually strong and able trial lawyer, especially in presenting cases to a jury. Up to the time of his removal from Iowa he was always retained on one side or the other in all important litigation in Lee County. Few lawyers of his ability, resourcefulness and genius for indefatigable industry and painstaking attention even to the smallest detail in a case have ever practiced at the Bar in this county and judicial district. A personage endowed with many great traits of character, his greatest was his loyalty to his clients, his friends, and his community.

After he had removed from Iowa, what has been said of another great Iowa lawyer is applicable here, his "home people" still "regarded him as a fellow citizen and made appeals to him for advice and assistance in local matters, the same as though his interests as well as his affections were still here. And be it said, these appeals were never made in vain."

He was buried among his "home people" at Ft. Madison as he would have had it. The funeral was held from the portico of the historic old colonial court house in the making of whose history his had been a potent part. In the still and hush of an ideal day of the Indian summer of Iowa, he was laid to rest among the people he had loved and honored and who had loved and honored him.

JOSEPH R. FRAILEY.

MONROE ALLEN HOYT; 1842-1914

On the 27th day of December, 1914, on the seventy-second anniversary of his birth, Monroe Allen Hoyt, the oldest attorney both in age and in years of practice of the Carroll County Bar, departed this life at his home in Carroll, Iowa. Mr. Hoyt was born at Maria, Essex County, in the State of New York on the 27th day of December, 1842. He was of New England stock, his father, Samuel Hoyt, being a native of Vermont. Monroe A. Hoyt came with his father to Maquoketa, Iowa, in 1843, where he lived until 1856, when his father moved to Davis County, Missouri, from where he returned to Jackson County in 1862.

The subject of this sketch was the youngest of a family of twelve children and was the last of the family to survive. He was thrown upon his own resources at the age of fourteen years and was in the fullest sense, a self-made man. In early life he taught school in Missouri and Iowa. At the breaking out of the Civil War, he returned to Missouri and enlisted in the Home Guards which saw some active service. During the last two years of the war he was employed in the Quartermaster's department of the Union Army at Stevenson, Alabama, and later at Eastport, Mississippi. He studied law in the office of Booth & Graham at Bellevue, Iowa, and later in the office of Colonel Byam at Marion, Iowa, and was admitted to the Bar in Guthrie County, Iowa, in 1867, in the court presided over by Judge Maxwell. Mr. Hoyt came to Carroll, Iowa, in 1868 and later engaged in the practice of law as a member of the firm of Beach & Hoyt. He was married in April, 1874, to Miss Susan Bowman of Cedar Falls, Iowa, a daughter of Dr. John Bowman of the Methodist Episcopal Church. He is survived by his wife and two children, Beryl Anna Spinney, wife of Prof. Spinney of Ames, Iowa, and Monroe Allen Hoyt.

Mr. Hoyt was a man of great natural ability. He gave to all matters whether questions of law or of business, careful attention and the results generally showed the wisdom of his conclusions. During the later years of his life his large property interests required the greater part of his time and in consequence he was seen less frequently in the active practice of the law.

Mr. Hoyt blazed the pathway of life for himself, he was not a copyist. He had a personality all his own. He stood squarely upon his own judgments and convictions. By his death there has been removed from the community a man whose place can never be filled.

W. R. LEE.

JOHN M. HERRON; 1845-1914

John M. Herron was born in Ohio on June 25, 1845, and came to Iowa more than forty years ago, and established his home and residence in Oskaloosa, Mahaska County, Iowa, thirty-eight years ago; and from that time until his death he was a resident of

Mahaska County, Iowa. He died at his home, after a short illness, November 30, 1914, at the age of nearly three score years and ten, sixty-nine years, ten months and five days. He had been engaged in the practice of the law for more than forty years, and thirty-eight years of this period at the Mahaska County Bar. He was a member of the Mahaska County Bar Association and also of the Iowa State Bar Association. He was buried at Adel, Iowa, in the Oakland cemetery, December 2, 1914. He is survived only by his wife, Mary E. Herron, who resides at Binghamton, New York. Brother Herron was a Mason and a member in good standing of Triluminar Lodge No. 18, A. F. & A. M., and had been for nearly forty years. He was an honest, industrious, quiet, painstaking lawyer, and his reputation for honesty and integrity was above reproach; and in his death the Bar has lost a respectable member and the State a valuable, honest citizen.

W. R. LACY.

JOHN T. ILLICK; 1845-1914

John T. Illick was born at Easton, Pennsylvania, October 24, 1843. He had the advantage of the social order and of the common schooling of that respectable region and was graduated at Dickinson College in 1869. His clear mind and amiable temperament peculiarly fitted him for the use of this attained scholarship, and habit of searching out the learning of books, in the vocation of schoolmaster, which he followed, first at Farmington, Illinois, at La Harpe, and finally as superintendent of public schools at Carthage, Illinois, from 1871 to 1875.

In the spring of 1875 at the suggestion of Judge Joshua Tracy he came to Burlington to become a disciple of municipal law, and remained a faithful student and then a trustworthy and successful expounder of that law until the illness that ended his life here August 29, 1914. June 28, 1876, he married Miss Martha Lilly Elder at Carthage. Four children were born to them of whom two, their daughter Edna and son Warren survive. These are "the short and simple annals" of a life which added largely and beneficently to the common life of Burlington. He won a high place in the esteem and confidence of his legal brethren.

Municipal law was to him in every sense a "rule of *civil* conduct." His practice was mostly that of an office lawyer,—a confidential adviser, seeking to keep rather than to drag clients out of trouble. His humorous modesty would have applied to himself as lawyer the description Samuel Johnson applied to himself as lexicographer, "a harmless drudge." As a citizen he was public spirited—always on the side of cleanliness and order, though he was never a professed reformer or uplifter. In politics he was a positive Republican. As a social companion he had few intimates, but to them he was always charming. His home life was a compelling example of beauty.

In his later years, made acquainted with heavy grief, his manly courage was never defeated, and his Christian faith was never shaken. He was called to bear, for many months until death released him, acute bodily pain, but this seemed to bring forth a serener fortitude and a more perfect patience.

His colleagues for these forty years hold his memory in their most affectionate regard.

THOS. HEDGE.

LOUIS H. JACKSON; 1846-1915

Louis H. Jackson was born in Jacksonville, Illinois, September 23, 1846. He came with his father to Iowa in the early sixties, and attended the State University of Iowa in 1863, for three years. He studied law in the office of Fairall & Boal, and was admitted to the Bar before the College of Law was established. He was taken into the firm of Fairall & Boal at Iowa City in 1867, and upon the dissolution of the firm he continued in the partnership with Mr. Boal. In 1887 they both removed to Denver and engaged in the practice of law until the death of Mr. Boal. Afterward, because of ill health, Mr. Jackson moved to California, but did not engage in the general practice of law after leaving Denver. He died at Los Angeles May 24, 1915. He was a man of unblemished character, high ideals, highly esteemed by all who knew him. He did not aspire to become a trial lawyer but had a legal mind and learning. He was an excellent counselor, safe and true to all his clients; always true to his conviction of duty; generous, warm-hearted, every ready to assist one in

trouble, and sought opportunities to benefit others. He was much beloved by a large circle of friends and acquaintances.

MILTON REMLEY.

JAMES WALLACE JAMISON; 1848-1914

James Wallace Jamison was born at Lafayette, Indiana, March 1, 1848, and died at his home in Cedar Rapids, Iowa, September 18, 1914, following a stroke of apoplexy. His father was a Kentuckian and his mother a native of Maryland. His early days were spent in Lafayette and on a farm contiguous thereto. When about twenty-one years of age he visited Wyoming, Iowa, and liking the new surroundings concluded to make it his home. He clerked in a store in Wyoming and read law during leisure hours until 1872 when he was admitted to the Bar of Jones County, Iowa, before Hon. J. H. Rothrock, late Justice of the Supreme Court, the presiding Judge of the District Court of Jones County.

Immediately upon his admission to the Bar Mr. Jamison located at Olin, Iowa, and there continued in the general practice until 1881, when he removed to Anamosa, Iowa, where he successfully practiced his profession until 1892, then entering the practice at Cedar Rapids, Iowa, where he resided and continued in the practice of law until his death. At Cedar Rapids Mr. Jamison associated with him Mr. H. G. Burr for a time. In 1895 he became associated with Mr. William Smyth until 1910 under the firm name of Jamison & Smyth when Mr. Fred Hann was admitted in the firm. Mr. Jamison was an honorable, kindly and public spirited man, and as a lawyer he was a close student, industrious, fearless, courteous, and able. He was prominently identified with much of the important litigation arising in Linn and adjoining counties, notably the Bever will case, and the gas and the water rate cases of Cedar Rapids. His high standing at the Bar and acknowledged fitness for the position resulted in his nomination at the nonpartisan judicial primary election for District Judge of the Eighteenth Judicial District of Iowa, and if he had lived undoubtedly he would have been elected to that position, an office he would have filled with fidelity and marked ability.

Mr. Jamison was married to Miss Matilda D. Herrick at Monticello, Iowa, in 1873, who with a daughter, Mrs. Carrie Soetje of Denver, Colorado, survives. A son, LeGrand H. Jamison, died in 1902.

MYRTLE LLOYD KENNEDY; 1866-1914

Myrtle Lloyd Kennedy was born on a farm near Janesville, Wisconsin, July 28, 1866, and died at Sioux City, Iowa, June 8, 1914. While she was still a small child the family moved to Charles City, Iowa, where it at once became one of the prominent families of the community.

Mrs. Kennedy was graduated from the collegiate department of the University of Iowa in 1888, her graduation thesis being awarded first prize. In 1890 she was graduated from the Law Department of the same institution. On June 20, 1890, she was married to J. L. Kennedy who later became a Judge of the District Court of the Fourth Judicial District of Iowa. Soon afterward she entered upon the practice of law with her husband at Sioux City, Iowa, under the firm name of Kennedy & Kennedy. She continued in the practice for eight years, retiring to devote herself more fully to her home.

Mrs. Kennedy was prominent in the club, social, and church life of Sioux City. At the time of her death she was a member of the Sioux City Country Club, Sioux City Boat Club, and the Woman's Club. She was a member of the board of directors of the latter organization and had been elected by it as delegate to the biennial convention of the General Federation of Woman's Clubs which met in Chicago a few days after her death.

Mrs. Kennedy frequently contributed articles of superior merit on questions of moral uplift and social betterment. Her paper on "The Double Standard of Morality," read before the Woman's Club of Sioux City, was widely quoted by the press and brought her letters of praise from prominent people all over the United States.

Although Mrs. Kennedy was a brilliant social leader, she was vitally interested in the great questions relating to human welfare. She opposed the forces of evil, took the side of the weak

and oppressed against the strong, and to those in sorrow or trouble she gave her warmest sympathy. By her life and writings Mrs. Kennedy tried to impress upon others that the first and highest duty of the wife and mother is to the home.

Mrs. Kennedy is survived by her husband, Judge J. L. Kennedy, and a son, Lloyd, aged seven. H. W. PITKIN.

JED LAKE; 1830-1914

Colonel Jed Lake was born in Cortland County, New York, on the 18th day of November, 1830. His father died when he was but three years of age, leaving his mother with four children, the oldest of whom was seven years.

Colonel Lake attended the common schools in the acquirement of an education and worked at whatever he could do in order to partially provide for his own support. At one time he drove a team on the Erie Canal for about fourteen months and as soon as he could receive sufficient education, he engaged in teaching school. He also worked on a farm for some time and saved his earnings until he had accumulated a sufficient sum to enable him to attend New York Central College at McGraw, New York. He later attended Homer Academy, taking an advanced course in mathematics, but as his health had partially failed, he left school and turned his attention to outdoor work.

In 1855, Colonel Lake came to Buchanan County, Iowa, and for two years worked upon a farm in Buffalo township. At the end of this time, he came to Independence, beginning the study of law. He was admitted to the Bar in the spring of 1859, and immediately entered upon the practice. In 1861, he was elected to the State Legislature and served in the session when that body pledged the support of Iowa to the preservation of the Union.

In the summer of 1862, he enlisted in Company H, Twenty-seventh Iowa Infantry, and was elected Lieutenant of his company, and soon after was appointed by Governor Kirkwood as Lieutenant-Colonel of the regiment which soon after its organization was sent to Minnesota to protect the frontier against the Indians. When the danger from that quarter had been averted, the command was ordered south and took an active part in the

war until the close of hostilities. During much of the time, Colonel Lake was in command of the regiment and proved an energetic and faithful officer.

Upon his return from the war, he resumed the practice of his profession and in July, 1870, formed a partnership with Mr. M. W. Harmon which continued with mutual pleasure and profit until it was severed by death. In 1878, the firm of Lake & Harmon was retained to defend a large number of actions brought against residents of Iowa by the owners of a patent known as the "driven well." These suits were brought in the Circuit Court of the United States for the District of Iowa, the defendants in most cases being farmers who were sued for royalties claimed by the owners of the patent. Colonel Lake took the part of the defense in this extensive litigation and the trial in the Federal Court of Iowa resulted in victory for the defendants. The plaintiff appealed to the Supreme Court of the United States which affirmed the decision of the lower court.

Colonel Lake in all his official positions served the public well and faithfully. For six years he was city councilman, for seven years a member of the Board of Education of the city of Independence, Iowa; for two years he was a member of the Board of Supervisors of Buchanan County, Iowa; for eight years he was trustee of the Iowa Hospital for the Insane at Independence; for fifteen years he was one of the Commissioners of Insanity for Buchanan County, Iowa, and has served as a member of the Board of Commissioners appointed by the Governor to construct a Hospital for the Insane at Cherokee.

Colonel Lake was married on January 2, 1861, to Miss Sarah E. Meyer. To Colonel and Mrs. Lake were born three children, Rush C., an attorney in Kansas City, Missouri; Jarvis N., who died in infancy; and Harriet, the only daughter, who lives with her mother.

Colonel Lake died June 7, 1914.

H. C. CHAPPELL.

ROBERT E. LEACH; 1869-1914

Robert E. Leach was born in Independence, Iowa, February 13, 1869, and died July 30, 1914, at his home in Independence,

Iowa, as the result of an explosion of an acetylene gas plant which was being removed from his residence.

He was educated in the schools of Independence and Waterloo and was graduated with the highest honors from the State University of Iowa in 1889. In 1892, he was graduated from the Law School of Harvard University. He practiced law in Independence on his admission to the Bar in 1892, and in 1896 became a member of the firm of Cook & Leach. In 1906 he formed, with Mr. R. J. O'Brien, the firm of Leach & O'Brien. In 1908 he retired from the active practice of law to devote himself to his business interests.

As a lawyer, Mr. Leach was an active, energetic worker. He was courteous to the court and to the other members of the Bar, was seldom involved in controversy personally, and was strictly honest and honorable in all his dealings with all with whom he came in contact. After he retired from the active practice of the law, he devoted himself to his business affairs and to his family. He was a devoted husband and father and enjoyed himself most when contributing to the pleasure and enjoyment of his family. At times he took up different legal matters for his friends and neighbors, after his retirement from active practice, but in such cases he took an active and energetic interest in the accomplishment of justice without regard to compensation for his time.

Mr. Leach was married in 1894 to Miss Kate Woodward, a daughter of J. S. Woodward, a former practicing lawyer at Independence. He left two children, Robert W. and Jerome.

Mr. Leach became an active member of the Progressive Party at its formation in 1912 and was the candidate of the party for Congress from the Third Congressional District at the election in 1912. Mr. Leach served a term as Mayor of Independence and during his term of service took an active interest in the affairs of the city.

J. E. COOK.

SABRET T. MARSHALL; 1869-1915

Sabret T. Marshall was born in Keokuk, Lee County, Iowa, November 20, 1869, and died at Keokuk, Iowa, September 20, 1914. His maternal grandfather was Colonel William Patterson,

one of the leading pioneers in the early development of Iowa. Colonel Patterson was a member of the first Territorial Legislature of the State. He was one of the representatives of the State in the settlement of the border troubles between Iowa and Missouri, and he was a member of the Constitutional Convention in 1857. The deceased's father was Colonel Samuel Taylor Marshall, who was born in the State of Ohio and moved to Lee County in December, 1842.

Sabret T. Marshall was educated in the public schools of his home city, and at an early date selected the profession of his father, and two of his older brothers, that of the law. He studied in his father's office and was admitted by the Supreme Court of the State in January, 1895. Shortly after his admission his health failed, and he spent three years in Denver, Colorado, and El Paso. Upon his return to Keokuk in 1898 he resumed the practice of law, and became quite active in the politics of the city and county. In 1899 he was elected to the Iowa Legislature, where he served for two terms.

He was noted for his genial, social disposition, his kindly humor and his facility for making friends. He knew no rank, but found his friends among those in the lowly as well as the higher walks of life. One always felt better for meeting him, because of the humor and kindness which constantly radiated from him.

HAZEN I. SAWYER.

EMLIN McCLAIN; 1851-1915

Emlin McClain was born in Salem, Columbiana County, Ohio, November 26, 1851, and was a little over sixty-three years of age at the time of his death. His father, William McClain, and his mother, Rebecca Harris McClain, were Quakers of Scotch-Irish descent, and his father, during most of his life, was a teacher, who established and conducted secondary schools of learning, both on the Western Reserve in Ohio, and also at an early day here in Iowa. The father founded the Iowa City Academy; and, after receiving his preliminary education, the son taught in this institution for a brief period.

Emlin McClain entered the State University in the year 1866,

and received the degree of B. Ph. in 1871. The next year, he received the B. A. degree, and the year following, the degree of LL. B. Thereafter, in the year 1881, he received the Master's degree from his Alma Mater, and after that, in the year 1891, the honorary degree of LL. D.—both from his own University, and from Findley College, in Ohio. He was a Phi Beta Kappa, and a member of the Beta Theta Pi, and a charter member of the Phi Delta Phi fraternity at Iowa City—the latter chapter taking his name.

Immediately after graduation from the Law College, he removed to Des Moines, and entered upon the active practice of law, which he continued, with some interruptions, until the year 1881, when he was called to a professorship in the College of Law at the University, upon the removal of Chancellor Hammond to St. Louis, Missouri. During a part of the time, while in the practice, he was associated with Chas. Finkbine, a former classmate in the University.

Although in the active practice but a short time, he secured his fair share of the business, but was never quite satisfied with the "rough and tumble" of trial work. In the year 1879, he married Ellen Griffiths, daughter of Captain H. H. Griffiths of Des Moines, Iowa; and left surviving, his widow, two sons, and one daughter.

When he entered upon the practice of his profession, the unannotated Code of 1873 had just come from the press, and a new volume of written law came into existence biennially; so that by the year 1879, there were, in addition to the Code, four separate volumes of session laws, each without an adequate index, and all without annotations showing the decisions which had been rendered construing the several sections. Recognizing the need for an annotated code and for a revision which would bring all the statutory law into one compact work, Judge McClain, while waiting for clients, brought forth in the year 1880, the first edition of McClain's Annotated Statutes of Iowa.

This was followed by a supplement issued in the year 1884, covering all the decisions rendered by the Supreme Court from the year 1880 down to the time of publication, and the enact-

ments of the Legislature during the interim. In the year 1888, he brought forth a second edition of his Code, covering not only the Code of 1873, but all subsequent statutes, and a reference to all the decisions made by the Supreme Court, corrected and revised, down to the date of the publication of the new volumes. This also was followed by a supplement issued in the year 1892, which covered all the session laws down to and including those of the Twenty-fourth General Assembly.

These revised and annotated statutes, with their supplements, almost entirely supplanted the official publications, and, while not given express legal sanction until the year 1882, these books were treated as evidence of existing laws, and, with like effect, as if published by the State. They were of inestimable value to the Bench and Bar of Iowa, and it is really difficult to understand how they managed to get along without them. They delayed any attempts at rewriting or codifying the law from 1873 down to 1897, a period of twenty-four years, whereas, prior to that time, there had been a revision or re-writing of the Code at intervals of from four to thirteen years, and then there was no serious attempt to annotate any of the official publications.

In 1897, the Legislature, thinking it a matter of economy, as well as of duty, undertook the making of a new official Annotated Code, and almost as a matter of course, Emlin McClain was selected one of the members of that Code Commission, and he prepared and furnished the annotations for the new work, as well as for some, if not all, the supplements issued to that Code.

As the Code of 1897 and its supplements are modeled upon McClain's Annotated Statutes, and follow the author's arrangement, classification, and methods of annotation, the highest compliment was paid to him who pioneered the way in this field of legal literature. Moreover, by reason of his familiarity with the statutes of the State, his work upon the Code Commission was invaluable, and his associates depended largely upon his judgment and skill, in rewriting and reforming the written laws of the State. Many other States have followed the system inaugurated by Judge McClain in the preparation of their annotated codes.

While, of necessity, some mistakes were made in this new venture, they were inconsequential, and were soon corrected in the supplementary volumes. The Iowa Reports were very poorly digested, at the time the first annotated statutes were prepared, and it is said that Judge McClain read every reported decision, of which there were but fifty-seven volumes, at the time his notes were written for these statutes.

If he had done no other service to the State, this, in itself, would have been sufficient to justify his reputation as an accurate, painstaking, scholarly, and efficient public servant. Some of this work was done after he was called to the law school, and some after he came to the Supreme Bench of the State; but he never let it interfere with the primary duties he owed to his college, or to his Commonwealth.

A new digest being imperatively demanded, there came from the publishers, in the year 1887, McClain's Digest of the Decisions of the Supreme Court of Iowa in three volumes, covering the decisions of that Court from the year 1839, and this was followed by a supplemental volume issued in the year 1903, bringing the decisions down to date.

Thereafter, and while a member of the Supreme Court, he prepared in the year 1908, an entirely new four volume edition of his Digest, covering all the decisions down to that date. This latter was prepared under the stress and strain incident to his laborious work upon the highest Bench in the State, and was evidently edited rather than written by him. His first digest was eminently satisfactory to the people, and was done by him alone, while connected with the law school as Vice-Chancellor and Chancellor of the College. It was the most satisfactory digest of the decisions of our Court down to that time, and was everywhere regarded as complete and accurate. It brought to light many decisions which had been theretofore buried in the ever-increasing mass of case law.

While Lecturer and Chancellor Judge McClain also wrote outlines and syllabi of most of his lectures delivered to his classes during the time when instruction by the lecture system prevailed, and these were most helpful to students. They cover a wide

range of subjects, and certain unusually clear statements of fundamental principles, illustrative of the Chancellor's thought that the most any law school can do is to give its students a clear comprehension of some underlying and fundamental general principles, leaving the main body of the law and its exceptions to be filled in, in after years, in the office, and as occasion arises.

When a change came in the system of instruction, and the "Case Method" was adopted, Chancellor McClain, who was in full accord with the change, prepared several volumes of case books for students' use, some of which have been adopted by the leading law schools of the country, and, at the time of his death, had one or more additional ones in preparation. Of those best known are his collections on the "Law of Carriers," and on "Constitutional Law." The latter has already gone to a second edition. In the year 1897, he gave to the profession his most comprehensive work, entitled "A Treatise on the Criminal Law as now Administered in the United States." This work stands with Bishop and Wharton on the shelves of every lawyer having to do with the administration of the criminal law, and is frequently cited as authority by all the courts of the Union.

He also wrote for the *American Citizen Series*, a less comprehensive, and yet more readable book, for laymen, entitled "Constitutional Law of the United States." Of late years, he has been a prolific writer of legal essays, and monographs; he also wrote many complete articles for encyclopedias and compendiums of the law, and, in addition, prepared and delivered many addresses on legal and kindred subjects. He was frequently called upon to address Bar Associations of other States, and always had a message well worth hearing.

All his writings are accurate, clear, direct, and unadorned with flights of the imagination, or flowers of rhetoric, for, in the use of language, as well as in conduct, he was chaste, plain, simple, direct, and unassuming. His later writings show a ripeness, a fullness, a maturity, and a depth, indicative of a well-stored mind and judicial poise, which comes only with years of ceaseless research, constant study, and deep reflection, and I doubt not,

had he lived, he would have made many more extremely valuable contributions to the literature of the law.

In 1887, McClain was made Vice Chancellor, and in 1890, Chancellor of the Law College of the University. After taking his seat on the Bench, he continued to lecture at the Law School until the Legislature, for some unaccountable reason, concluded to make it impossible for any of the sitting Judges, either District or Supreme, from giving any of their time to the Law College. Judge McClain's promotion to the Bench was due to three causes. First, the meager and wholly inadequate salaries paid to professors in our law school. Second, lack of vital contact with the pulsating, throbbing world—the teacher's position being essentially that of a recluse, dealing largely with mere theories, and abstractions. Third, the desire, on the part of the graduates of the law school, to see their eminent law preceptor advanced, and their belief in his special fitness for the position.

Emlin McClain was never a place hunter, and he cared nothing for the plaudits of the crowd. He was not a practical politician, and had neither qualification nor taste for the political game. But many of his old students had entered into active life; they were interested in who should fill the places on the Bench, and, because of the love they had for the man, and the assurance they possessed of his qualifications for the Bench, they took upon themselves the burdens of the campaign, and secured his nomination in a contest between many strong and worthy men. His nomination secured, an election was assured, for, with such a force behind him, the result was never in doubt. He served two full terms and retired in January, 1913, having been Chief Justice during the years 1906 and 1912.

Those of us who had the pleasure of serving with him soon learned to know and appreciate his sterling qualities as a man; his marked ability and helpfulness, and his intense desire to mete out justice according to settled rules of law. His experience in the law school eminently qualified him for his laborious work. With the history and theory of the law, he was entirely familiar, and his discussions at the consultation table were most illuminating and helpful to all his associates. He had no pride of opinion,

although when once convinced as to the rules which should govern, he naturally and temperamentally was quite tenacious of his conclusions, although always ready and anxious to hear the opposing views. His powers of analysis were keen, and he was especially strong in the handling of conflicting and contradictory decisions; and his treatment of legal problems was masterly. Although a thoroughly educated man with a large vocabulary, he was not pedantic, but in all his voluminous writings, deliberately chose chaste and simple words. His language was direct and forceful, but not rhetorical, and his opinions were generally short, clear, and easily understood. His relations with his associates on the Bench were always agreeable, respectful, and courteous, and even after heated discussion, there was no trace of ill-feeling, and he retained the respect and confidence of all.

He did not believe it to be the function of the judge to reform the law, and yet he was not a blind follower of precedent, and his best work was done in cases involving the application of old principles to new conditions. No matter how new and complicated the case, he believed there was some underlying fundamental principle which would solve it, and out of a maze of cases and single instances, he could deduce a rule of effective authority. He was not over-technical, and had little patience with hyper-critical objections. He believed that justice, as administered by the courts, was not morality, and that justice under the law was all to which any man was entitled. He recognized that a few cases resulted in unmoral or unjust conclusions; but that this happened in such rare instances, it was better that the law be certain than that it be wholly just. In other words, he believed in the common law as the best rule of conduct ever phrased by human mind.

When he left the Bench, we feared he was lost to Iowa, for men with his talents do not have to wait long for a call, and so within a few months, we found him a member of the Law Faculty of Leland Stanford University, apparently for the remainder of his active life.

But an unexpected turn came in the affairs of the University, requiring the selection of a new Dean of the Law School. There

was never a question in the minds of those who knew Judge McClain, but that he was the man for the place; and the Board of Education soon invited him to return to Iowa to resume his old position at the head of our Law College. Fortunately, just at that particular moment, he was quite as anxious to return to the State—his old home and to the University he loved so well—as the officials, and especially the alumni, were to have him come back. Thus it was, that after an interval of fourteen years, he returned to his first love, content in the thought that here among old time neighbors, here in the school he cherished, here where his thoughts were centered, he was to finish his work. But it was not as an old man that he returned, for he entered upon his work with a joy, a zest, and an earnestness typical of youth, and, from the day of his return down to his death, he was considering new ideas and formulating new plans for the College of Law. Better equipped than ever before, because fresh from the active administration of the law, the future of his school was bright with hope and filled with promise. He soon brought the school back to the standing which it had obtained under the deanship of Chancellor Hammond, and which it was destined to retain during his entire administration. During his incumbency, methods of instruction were radically changed from the deductive to the inductive methods; from the lectureship to the case system; from the textbook to the original authorities, and such was his adaptability to the new order that he soon gained general recognition as one of the best law teachers in this country of unsurpassed law schools.

He was lecturer and professor in the University of Chicago Law School during its 1905 and 1906 Summer Sessions, and in the University of Wisconsin Summer School for the year 1907, and had many calls from other leading schools to membership in their law faculties; but these he rejected for the reason that he loved Iowa and all of her institutions, and especially his alma mater.

He was an active member of the State and American Bar Associations, and was given place on the most important committees of both. He presided at the organization of the Iowa Bar Association in 1895. He was for several years a member from Iowa,

of the National Commission to recommend uniform State laws, and was a member of the Lake Mohonk Conference on International Peace, and delivered addresses at this conference. He was also a member of several learned societies and, at the time of his death, was a member of the Grant Club at Des Moines, Iowa, and of several golf and country clubs, and retained a vital interest in all University activities.

Shortly after his graduation from the law college, he entered upon a clerkship in the office of Wright, Gatch & Wright, at Des Moines, and so won the affections and regard of Judge Wright of that firm, who was elected to the United States Senate, that he was selected by the Senator as his private secretary and spent the years 1875 to 1877 with him in Washington, D. C. By reason of his position, he was selected as clerk of the Senate Committee on Claims. He rarely spoke of this experience for he had no love for politics, and was not seduced by Washington life or society. Indeed he was anxious to resume his legal career and had no desire for place or power.

The amount of work he did was prodigious, and the apparent ease with which he accomplished it were among his most distinguished traits. He was simple in his habits and tastes, gentle and kind, unostentatious and unaffected. He was what he was; despised hypocrisy, sham and cant; valued men for what they were, and not for what they seemed to be. He was remarkably tolerant, however, in his estimates of others, for he knew the faults and foibles of the human race. He was "To their virtues, very kind; and to their faults, a little blind," for as Burns said, "What's done, we partly may compute, but know not what's resisted."

He had the highest standards of professional ethics, and looked with apprehension upon the commercial tendencies of our honorable profession. Although committed to the case system of instruction, he had no patience with the practitioner who was a mere seeker for single instances, rather than a master of legal principles. And above all, he valued candor, honesty, integrity, simplicity, and manly courage.

There is some consolation in the thought that the call came at a

time when there was no diminution of his mental or physical powers. He was just beginning to enjoy that "autumnal felicity" vouchsafed to the educated man, who has passed the meridian of life. He was still surrounded with his contemporaries and friends made in early life and during his mature years. Fortunately, he was back at his home, among those he loved so well. He has gone to what some one has beautifully termed, "that universal rendezvous of man—Eternity."

HORACE E. DEEMER.

WILLIAM OWEN McELROY; 1858-1914

William Owen McElroy died at his home in Newton, Iowa, on August 24, 1914. He was fifty-six years of age at the time of his death. He was born in the State of Ohio where his early childhood was spent. During all the remainder of his life he had lived in Jasper County, Iowa. He graduated as a civil engineer at the Iowa State College at Ames, Iowa, in the year 1881. After following that profession for a time he studied law in the office of Colonel David Ryan, and was admitted to the Bar in 1884. He practiced law in Jasper County, Iowa, from that time until his death. He was in partnership with Colonel Ryan until the latter was elected judge. After that he practiced alone part of the time and part of the time in partnership with various members of the profession, among them James A. Kerr, now of the firm of Kerr & McCord of Seattle, Washington; F. E. Northup, now of Marshalltown, Iowa; C. V. Cox, now of Des Moines, Iowa; and J. E. Cross, now at Newton, Iowa. All of the former partners remember with pleasure their association with him; for it was impossible to work with him long without forming a high opinion of both him and his profession.

Mr. McElroy was educated as a civil engineer; and when he later took up the practice of law he brought to that profession the analytical power, and the mental precision of the trained mathematician. He naturally became a student of principles, rather than of particular instances. In preparing his cases it was his custom to thoroughly analyze them with reference to the fundamental principles of law involved, and then base his search

for supporting authorities upon such principles. He never was a mere "case lawyer" depending entirely for his authorities upon isolated decisions involving analogous facts. He thus avoided that superficiality which has become all too common in the profession under the rush of modern business and the doctrine of *stare decisis* peculiar to the common law system. As a result he was quite uniformly successful in his practice, especially in the Appellate Courts. He had no taste for the hurry, confusion, and strain of trial work; but enjoyed the work in the Appellate Courts where procedure is more deliberate, and full opportunity given for analyzing and weighing the facts and the law.

Mr. McElroy was a trustee of the Iowa State College at Ames for twenty years until the board of directors was organized. He served as president of the board and chairman of the most important committees. He came to know the institution as but few people have known it; was in position to and did render it valuable services during the time he was connected with it. He was largely responsible for the establishment of the free public library in Newton and was president of the library board from the time of its organization until his death. He was an ideal public servant. He regarded public office as a sacred trust.

Probably no man in the county had a wider or more favorable acquaintance than he. His character was above reproach and his home life was beautiful. In paying tribute to him Dean Stanton of Ames used the following language:

Mr. McElroy was one of nature's noblemen. Character such as his is the richest product of human living. It is not mere accident, but rather the most wonderful thing in God's universe. That a human soul should sojourn upon the earth, be tossed hither and yon upon its uncertain seas, be torn and beaten by multitudinous cares and sorrows, be tempted by the powers that dared seek the overthrow of Christ himself, and yet come up through it all clean, strong, pure, a noble spirit whom men may respect, admire and love, is the most marvelous bit of constructive work of which mankind has knowledge. We meet such men in our daily walks and sometimes think them commonplace. It is only when we bid them final adieu that we come to really know them.

W. G. CLEMENTS.

SMITH MCPHERSON; 1848-1915

Smith McPherson was born near Mooresville, Morgan County, Indiana, February 14, 1848. He died at Red Oak, Iowa, January 17, 1915. He received a common school education, removing to Iowa in 1869. He pursued the study of the law at the State University, graduating from the Law Department in the year 1870. In the same year he settled at Red Oak, Iowa, where he continuously maintained his home until his death.

In 1873 he was elected District Attorney for the Third Judicial District, holding this office for six years. In 1879 he married Miss Frances H. Boyer, of Oskaloosa, who survives him. He served two terms as Attorney General of the State of Iowa, from 1881 to 1885. In 1898 he was elected as a member of the Fifty-sixth Congress of the United States, from the Ninth Congressional District, and on the 7th day of June, 1900, before the expiration of his congressional term, he was appointed by President McKinley, Judge of the United States District Court, in and for the Southern District of Iowa, which office he held until the time of his death.

For more than forty years, Judge McPherson was one of the prominent and dominant factors in the public life of Iowa. He was a man of intense and sincere convictions upon all of the most important phases of life. He was an able, convincing, logical, and eloquent speaker, and could always give persuasive reasons for the opinions which he held. A conservative by nature, he was a firm believer in the original principles of the Republican party, never wavering in his absolute confidence that these principles were right, and he was always ready to advocate and defend, with courage and ability, the doctrines for which he stood.

Men who knew him most intimately may differ as to whether his great abilities made him the stronger as an advocate or as a judge, but all will agree that whenever he was called upon to assume responsibility, whether as a public official or a practicing lawyer, he was at all times actuated by the highest motives of honesty and sincerity.

Elected Attorney General at the age of thirty-two, he was one

of the youngest men ever selected for this high and important office. After four years as Attorney General, he returned to the practice of his profession, and, until his appointment to the Federal Bench, was easily the leading trial lawyer in southwestern Iowa. He had no specialty, but successfully practiced all branches of the law.

As a lawyer, he was able, eloquent, fearless, and ever loyal to the interests of the client he served. He had a sturdy and unswerving devotion to the best traditions of his profession,—an aggressive advocate, a congenial and helpful associate, always mindful of his obligations to the court and his brother lawyers. As a Judge, he had but one object, and that was to ascertain the very right of the controversy, and so decide. His conclusions were always the result of sincere conviction, and he did exactly what he believed to be right, regardless of consequences. His administration of the criminal law was tempered with mercy, and his supreme effort in all civil cases was to determine the dispute upon its actual merits, impartially and without favor.

If the predominating characteristics of Judge McPherson were to be emphasized, they would easily be courage, industry, intellectuality, loyalty to his friends, and a wonderful charity for the shortcomings and misfortunes of others. Underlying a rugged exterior and brusqueness of manner, there beat a big, generous, human, loving heart, ever prompting a helping hand to the unfortunate or oppressed. Robust physically, strong mentally, sincere and positive in his convictions, able and willing to support with reason and argument his opinions, he was always an interesting, instructive, and dominant factor in any assemblage. His diligence and energy in the performance of his judicial duties was marvelous. No work was too intricate or difficult for him to undertake, and by reason of this willing industry he was called upon by his superiors to perform many important duties outside of his official district.

Judge McPherson was unusually domestic in his habits. A great lover of his family, fond and proud of his home, from which he dispensed a most generous hospitality, he enjoyed to the utmost the companionship and society of his friends. He

was thoroughly democratic in his attitude, and easily approached by, and carefully considerate of all classes of people. He read good literature, remembered what he read, and kept fully informed upon all current events of interest and importance. It was unusual to find any subject upon which the Judge had not read, and upon which he did not have interesting and instructive opinions. He delighted in the association of young people, and to the last retained the vigor and exultation of youth.

It will be the unanimous verdict of all of his brothers at the Bar that Smith McPherson was a great lawyer, a just and conscientious Judge, and a man who put honesty and sincerity of purpose above all things. He hated sham, hypocrisy, and display. He loved courage, truth, and faithfulness. In his death the Bar of Iowa mourns the loss of one of its great lawyers, and the State has lost one of her foremost citizens.

JAMES C. DAVIS.

TIMOTHY P. MURPHY

Timothy P. Murphy was born in the State of Massachusetts and came to Iowa when young. He finished his education in the public schools and academies of Iowa and studied law in Iowa and was admitted to practice about 1866, and for many years was engaged in professional work at Marengo, Iowa, where he held many public offices. He married there and came to Sioux City with his family soon after 1880, and soon took a prominent position at the Bar.

He was a close student of law and a most aggressive and determined fighter in jury trials and was a hard adversary for an opponent to meet. He looked up the law carefully, informed himself as to the evidence before trial, and then delighted in a fight to the finish. He was appointed by President Cleveland, United States Attorney for the Northern District of Iowa, and conducted the work of that office with success and credit to himself, and in those years when in his mature prime was one of the most prominent practitioners at the Sioux City Bar, engaged in many noted cases.

He was quite feeble in the later years of his life, but was a persistent fighter to the end of his days. C. R. MARKS.

ALONZO C. PARKER; 1853-1914

Alonzo C. Parker was born in Grant County, Indiana, March 22, 1853, but removed in his early youth to this State. He was admitted to the Bar in 1876. Upon graduating at the Law School of the State University, he practiced for a time in Fayette County, but shortly removed from there to Spencer where, as a member of the firm of Parker & Richardson, he rapidly gained prominence in the practice, not only in Clay County, but also throughout the entire northwestern portion of the State. He was for eight years Prosecuting Attorney of Clay County, and at the time of his removal from Spencer he was generally recognized as the leading trial lawyer of northwestern Iowa.

In 1894, Mr. Parker removed to Des Moines and was associated with Judge George H. Carr, under the firm name of Carr & Parker. This firm immediately achieved success and prominence at the Des Moines Bar. In 1902 when A. B. Cummins became Governor a partnership was formed with his former law partners, James P. Hewitt and Craig T. Wright, which continued under the firm name of Carr, Hewitt, Parker & Wright until 1907, when Mr. Carr withdrew and the business was continued under the firm name of Parker, Hewitt & Wright. In 1908, William E. Miller, formerly Judge of the Third Judicial District, became associated with this firm. In January, 1909, Mr. Parker and Mr. Miller formed a partnership with Nathaniel T. Guernsey, which continued under the firm name of Guernsey, Parker & Miller until November 1, 1912. On that date, Mr. Guernsey withdrew and removed to New York, and James L. Parrish entered the firm which was formed under the name of Parker, Parrish & Miller, Mr. Parrish having resigned his position as attorney for the Iowa lines of the Chicago, Rock Island & Pacific Railway Company. The partnership thus formed continued until the death of Mr. Parker which occurred at his residence in Des Moines, November 7, 1914.

Inherent modesty and hatred of shams and pretense were such

marked characteristics of Mr. Parker that the committee of the Polk County Bar, charged with the preparation and presentation of memorials in the Iowa Supreme Court and in the United States District Court for the Southern District of Iowa, felt it necessary to restrain the impulses of friendship, affection and admiration, and to confine its expressions within the limits of literal truth. The memorial presented and spread upon the record was in substance as follows:

Alonzo C. Parker was, in the practice of his profession, universally recognized by both Bench and Bar as one of its ablest and most highly esteemed members. He was keen, incisive, and accurate in his analysis; thorough and exhaustive in his legal scholarship; broad and sound in his legal judgment. In the trial of cases, he was remarkably quick to perceive and ready to meet conditions as they developed; accurate in his practice; courageous and resourceful as an advocate; and above all, strict, conscientious, and unwavering in the observance of the ethics of his profession in all his dealings with the court and with his brother attorneys. In his professional life, he lived up to the truest and best traditions of his profession, and his life and character as a lawyer was a potential force in creating and maintaining the highest standards of the law. Sterling integrity and unimpeachable honesty in the highest and best sense of the term was characteristic of all his dealings with his clients, business associates, and with all with whom his active life brought him in contact. In the death of Mr. Parker, this Court and the Bar of this district has sustained an irreparable loss.

It was the heartfelt conviction of Messrs. Carr, Hewitt, Miller, and Jas. C. Davis, that the character and ability of Mr. Parker were such that these resolutions which they presented should be given the most flattering interpretation.

Justice Scott M. Ladd, speaking for the Supreme Court of Iowa, said in part:

I knew Mr. Parker longer and perhaps more intimately than my associates. More than a quarter of a century ago, while living at Spencer, he often tried cases in the Fourth Judicial District of which I was one of the judges. His rival then was E. C. Hughes, who thereafter attained distinction on the Pacific Coast. They were different as two men well could be—Hughes, enthusiastic, with an almost insatiable thirst for public attention; Parker, modest, reserved, sensitive, almost to the point of bashfulness. They never came into court without full information of all the facts and a thorough mastery of the law. It would be difficult to say which excelled in

that peculiar spirit which attains success in a hotly contested lawsuit, but it seemed to me that modesty was not without its compensations. They were of inestimable advantage to each other, for, as I believe, out of their rivalry, arose aspirations for distinction which carried each to eminence in his profession.

When Mr. Parker came to Des Moines, he was thoroughly equipped for the large practice which came to him as though by magic, and since then, no one would question his right to a place in the front ranks of the great lawyers of the State.

He was a man of profound learning in the law. He cherished the relation of friendship tenderly, as did his friends. He was exceedingly fond of children. He was a lover of good literature, and I need only add that the court fully concurs in all that has been said of the high character of Mr. Parker as a man, and of his great attainments as a lawyer.

As a partner, Mr. Parker was generous to a fault. He was ever modest with respect to his own achievements, and ever ready to award to his associates more than their full share of credit and praise for successes won; never did he seek to shirk or shift from himself responsibility for failures and disappointments.

Practically every volume of the Iowa reports since the fiftieth contains one or more cases in which Mr. Parker appeared as counsel, and, since his vigorous contentions were always guided by the spirit of righteousness and founded upon sound legal principle, his work in the profession has left its impress for good on the jurisprudence of this State.

WILLIAM E. MILLER.

GEORGE M. PARDOE; 1841-1915

George M. Pardoe was born in Pennsylvania in 1841, was brought up on a farm and attended the public schools and academies of that State. Early in the Civil War, he enlisted in the Union Army in Company C, Twelfth Regiment, Pennsylvania Reserves, and served till near the close of the war in the Army of the Potomac, and was in many engagements. He was twice taken prisoner, the first time he was rescued before reaching Richmond by a Federal raiding party. After the war he studied law in Pennsylvania, was admitted to the Bar there, and was married to Louise Simpson. He came West about 1878, first going overland from Nebraska to the Black Hills, but shortly came to Sioux

City and practiced law there till his death in January, 1915, part of the time alone and at other times in partnership with L. S. Fawcett, J. N. Weaver and others. He was largely interested in real estate and probate law, and for a time was a partner in an abstract-of-title firm. In his later years, he transacted nearly all the pension business in Sioux City for his old comrades.

He was active in Grand Army matters and had been Post Commander at Sioux City. He was for many years Secretary of the First Presbyterian Church. He was always frail, physically, but of an even, quiet, persistent temperament, very industrious and painstaking in his professional work, most honorable in all his actions, and much beloved and respected by his fellow practitioners at the Bar. His wife died before him and he left an adult daughter and son.

C. R. MARKS.

GEORGE HOWARD PHILLIPS; 1845-1914

George Howard Phillips was born at Whitewater, Wisconsin, on April 28, 1845. His parents were George W. and Olive Lamyra (Jones) Phillips, early settlers in Wisconsin and natives of Pennsylvania and Illinois respectively.

Adverse circumstances threw the son upon his own resources at the age of nine years, and developed in him that spirit of self-reliance and independence of character which was a marked characteristic to the day of his death. His early opportunities in an educational way were very meager; still he acquired the rudiments of an education in childhood, and an insatiable desire for knowledge overcame many of the earlier defects in his education and he eventually became a well informed man. He was a lover of books, and in later life a well selected library evidenced the fact that he was a reader and student.

While a mere boy he offered himself three times for service in the army in defense of his country. Once the quota of his locality had been filled when his company was ready, a second time his father refused to give his consent to the boy's enlistment because he was under age, but the third attempt was successful and he became a member of Company C, Fortieth Wisconsin Infantry,

on June 2, 1864, and served to the end of the term for which he enlisted.

After his discharge from the army, he removed to Decorah, Iowa, where he learned the barber's trade. He later conducted shops in West Union (on two occasions), Belle Plaine, Denver, Colorado, Strawberry Point, and Manchester, Iowa, and in the month of May, 1874, became a permanent resident of Oelwein, Iowa. Here he conducted a barber shop, and having faith in the then village, invested his savings in real estate. From boyhood he had an ambition to become a lawyer and to acquire wealth. His early poverty and the many hardships which he had undergone made such an ambition seem like a dream or perhaps a mockery.

He borrowed law books from his friends for his early reading and looked after business in Justice's Court for several years, when he quit the barber business and engaged in the earnest study of the law with A. C. Parker, then practicing at Oelwein, and with whom he was later associated in the practice for a couple of years. Mr. Parker will be recalled by the members of the Bar as one of the leading lawyers of Iowa who deceased at Des Moines a few days prior to the death of his friend. Phillips became a careful, safe counsellor, and at all times preserved an unswerving fidelity towards his clients. No lawyer was more careful in looking after the details of a case, and being a shrewd observer and judge of human nature, he always, when necessary, associated with himself other counsel able to protect fully the interests entrusted to him.

Few men have started in life under more unfavorable surroundings, fewer still have achieved greater success under similar circumstances than he. He became one of the rich men of Fayette County, being its heaviest tax payer for years. He died in the hospital at Waverly, Iowa, on November 23, 1914, following an operation. He left a widow, one son and one daughter.

Oelwein doubtless received greater benefits from his enterprise than it has from any other individual, as evidenced by the numerous business buildings erected and owned by him.

A. N. HOBSON.

CYRUS S. RANCK; 1845-1915

Cyrus S. Ranck was born in Union County, Pennsylvania, March 31, 1845, and died in Battle Creek, Michigan, May 25, 1915. He moved from Union County, Pennsylvania, to Hancock County, Illinois, near Dallas City, where he attended the rural schools and later became a teacher in both the rural and city schools of Hancock County. He was a principal of the school in Dallas City during 1869-1870.

As a student, he attended the Baptist College in Burlington in 1867-1868, and studied law in the office of Judge Tracey at Burlington. He later attended the Law School of the State University of Iowa, and graduated therefrom and was admitted to the Bar in 1871. He took up the practice of law in Iowa City after his graduation and continued in the practice at Iowa City during the rest of his life.

He was associated in the practice of law at different times, with Fairall & Bonorden, the firm being known as Fairall, Bonorden & Ranck, then with F. J. Horak, the firm being known as Ranck & Horak, and later with Judge M. J. Wade, the firm being known as Ranck & Wade. After Judge Wade was elected Judge in the Iowa and Johnson District, Mr. Ranck associated himself with Stephen Bradley, the firm being known as Ranck & Bradley, which continued for some seventeen years. About four years ago the firm dissolved, and Mr. Ranck associated himself with Frank Messer, the firm being known as Ranck & Messer, which continued until the date of his death.

During his active life, Mr. Ranck held many important offices. He was elected City Attorney of Iowa City in 1880, and was reëlected in 1882. He was County Attorney for Johnson County, for three terms, serving from 1887 to 1892. He was a member of the House of Representatives for Johnson District in the Twenty-fifth and Twenty-sixth General Assemblies, and was Senator from the Johnson-Iowa District in the Twenty-seventh General Assembly. He was also on the board governing the school for the deaf at Council Bluffs.

Mr. Ranck was an able lawyer, and one of the leaders at the

Bar in Johnson County. He was a master of detail and untiring in finding and grasping facts in the many law suits which he tried. He was an honest and aggressive advocate; extremely loyal to his clients, a man who kept his word to his clients and to his associate practitioners. He made many true and warm friends and was highly respected as a lawyer, and unusually successful in the outcome of his cases.

Mr. Ranck was buried at his old home in Dallas City, Illinois, in the cemetery beside his parents. He is survived by his wife, Georgia J., and five sisters.

In memory of Mr. Ranck, his associates caused to be spread upon the record of the court, in which he practiced for so many years, the following:

Resolved, that in the death of Hon. C. S. Ranck, for more than forty years a prominent lawyer of Iowa, we recognize that the community has sustained the loss of a great advocate at the Bar, a lawyer whose loyalty to the interests of his clients was never questioned, and whose industry and zeal in the presentation of their causes were an honor to the profession.

Resolved, that we mourn the loss of a wise counsellor, a true friend and a professional brother, who was ever ready to extend the courtesies and accommodations due from one lawyer to another, whose professional word was never broken, and one in whose professional conduct we had the utmost confidence.

GEO. W. BALL, JR.

WILLIAM L. READ; 1851-1914

William L. Read was born in Georgetown, Ohio, in 1851. Ten years later, with his parents, he settled near Davenport, in Scott County of this State, where he continued to live until the spring of 1867 when the family, save the mother who had died in the spring of 1843, moved to Polk County and took up a farm near Altoona.

The ancestors of Mr. Read were of those brave and resolute men and women, tutored not so much within college walls as in the school of experience, who, with high ideals and lofty purposes for themselves and their children, were pioneers in Ohio, Indiana, and this State, and wheresoever located gave, as the subject of this memorial has given, to their respective communities the in-

spiring influences of cultured lives, unstinted moral living and unquestioned integrity.

To the son of a pioneer on a farm in Iowa, the opportunity for study was limited, but even in that restricted environment Mr. Read, without the benefit of a collegiate training, thoroughly and with profit read the best historic and philosophic works then published. This early habit of general reading he observed, even after the exactions of large practice demanded his time and strength, and by reason of this habit he was familiar with the best current literature of the day. He studied sociology, the science of human relationships, thoughtfully, because he was deeply interested in securing a better and an ameliorated condition for the wage-earner, the unfortunate, and oppressed. The student's love for the companionship of books, however, did not extinguish Mr. Read's love for social life, in which he found especial delight, both in his youth and during his entire life.

Mr. Read was an ardent lover of nature. For this reason, for his last home he selected one of the sparsely wooded tracts outside the noise and bustle of the city, and upon this he spent much thought, and to this refuge he daily returned from his office with great pleasure. Even the broad prairies of Iowa had a great fascination for him, and he often yielded to the charms of a hunt for the wild game which they afforded.

If, in his day, a school training for a professional vocation was somewhat limited as compared with the present, he saw the benefit of it and taking advantage of an opportunity to secure one, he graduated in June, 1875, from the Law Department of the University of this State, following a course of study in the Collegiate Department of the same University.

Location then, as ever, was a serious problem for the young law graduate, and for a few months Mr. Read literally tramped central Iowa to determine the serious fact of location. The winter of 1875-6 he spent in teaching a public school in Altoona, and following this service he commenced the practice of the law in the spring of 1876 with Mr. E. S. Wishard as a partner, which partnership continued in Des Moines until 1885, when he entered into a partnership with his brother, John M., who had just grad-

nated from the Law Department of the University of this State. The last partnership was unbroken, save by the admission thereto of Mr. Read's only son as a member of the firm, until his death, July 18, 1914.

As a lawyer, Mr. Read is best known to the public and to the Bar members. As such, he was a man of the best ideals and he scrupulously observed the highest ethics of the profession. When he once espoused the cause of a client he believed in it, and that cause, henceforth received the attention and consideration of a lawyer who sought to remedy the wrong, and thereby promote right and justice between men.

Mr. Read was distinguished for his analytical mind, but it was constructive as well. He was a close reasoner, and with premises correct, his conclusions were unerring and unanswerable. If, at the Bar and before the Bench, legal strategies may be employed, he, in no invidious sense, however, was a master of them. He was not a trickster, and never attempted to thwart justice by resort to such methods. To each and every matter submitted to him professionally, he gave careful attention, and for his causes to be tried, minute preparation both as to the law and the facts. He was in the largest sense a student of the law, and a master of it. As he knew the vulnerable points in his own case, so he was quick to discern those in his adversary's, and there he made his attack. To an opponent he was fair and courteous, save when necessary to expose a wrong or a deceit, and then he was unsparing, whether in investigation or denunciation. He always sought to aid and never to mislead the court. In demeanor he was quiet and unobtrusive.

As an advocate his success came from his knowledge of the law and the familiarity with the facts of the case, and the ability to arrange and apply them methodically and in proper proportion. Both by reasoning and persuasion he was convincing. He had great success, whether he discussed the facts before the jury or the law to the court, because of his earnestness and sincerity.

As a lawyer, he was respected and honored by his associates, and by the Bench. As a friend he was true and faithful. As a companion he was entertaining and instructive. As a man he

was without guile or reproach. As the head of a family, he was true and unswerving in his fidelity to their best interests, and these he promoted and encouraged by example as well as by precept. His work was well done. His career, early ended by death, has been honorable and is worthy of emulation. Certainly,

None knew him but to love him,
None named him but to praise.

Resolutions Polk County Bar.

F. W. REISINGER; 1869-1914

F. W. Reisinger was born at Cascade, Iowa, September 21, 1869, and died at Grundy Center, Iowa, May 15, 1914, at the age of forty-four years. In childhood he took up his residence at La Porte, Iowa, and there grew to manhood.

He graduated from the La Porte High School in 1887 and in 1893 he graduated from Cornell College at Mount Vernon, Iowa. He graduated from the Northwestern Law School at Chicago, in 1895, and the same year he located in Grundy Center, Iowa, for the practice of his profession.

He was County Attorney of Grundy County for three terms, and for two terms he was mayor of Grundy Center, Iowa. He was a member of the Methodist Church when he died, although in his earlier life he had been a member of the Presbyterian Church.

He was a man with a strong will and struggled on with zeal, fortitude and grit. He possessed a keen mind and was a good lawyer, and was disposed to advocate settlement in the matter of his cases unless important principle was involved.

The cause of his death was paralysis. He is survived by his widow and one child, a daughter. A man's last days are often times the real test of character, and it can be said to his praise that when the hand of affliction was laid heavily upon him that he remained undaunted and unafraid to the end.

W. G. KERR.

LEWIS ALBERT REILEY; 1845-1914

Among the leading lawyers of Louisa County, of whom the

future generations of the neighborhood in which he lived and worked will learn, was Lewis Albert Reiley. His mighty stature, his commanding countenance, his singular hat, his impressive style of carrying himself and his cherished cane will all be vividly and interestingly described by relators commenting upon his life and work. Always, as he entered the court room an added dignity exalted the legal profession.

His father, James Reiley, was born in Pennsylvania of Irish parentage. His mother, Anna Hague, was of Scotch and French Huguenot descent. They were married in the year 1826 and Lewis was born March 1, 1845, in Nashville, Ohio. When only eight years old his parents moved to a farm near Columbus City, Louisa County, Iowa. Two years later his father died and he, while yet a mere boy, began to help his mother in assuming the duties and responsibilities of the farm.

His early life was very ordinary but the various activities in which he was engaged gave him a wide experience. When sixteen years of age he started to high school at Mt. Pleasant, Iowa. Six months after he had enrolled he quit, against the wishes of his mother, and entered the Union Army. It was not long, however, until he was taken sick, honorably discharged, and returned to his home. After recovering he spent one year in school in New York and another year in Knox College at Galesburg, Illinois. In his nineteenth year he began teaching in the public schools of Louisa County and continued this vocation for five years when he was elected County Superintendent. In this capacity his services to the people and the schools were of exceptional value. He declined reelection, having decided to continue the study and practice of law.

Mr. Reiley acquired his legal education by studying in the office of Hon. D. N. Sprague of Wapello, then the able Prosecuting Attorney of the old First District of Iowa. In April, 1871, he was admitted to the Bar in the District Court of Louisa County, Hon. Joshua Tracy, of Burlington, presiding, and, upon his admission, at once formed a partnership with Mr. Sprague. This partnership lasted for a number of years and the firm had a large

business, most of the work being done by Mr. Reiley as Mr. Sprague was busy with his official duties.

While County Superintendent he made the acquaintance of Miss Carrie L. Newell, a daughter of Robert F. Newell of Concord Township, Louisa County, Iowa, whom he married April 24, 1872, one year after he had started to practice. To them was born one son, Robert Leroy, now Auditor of Louisa County.

In politics, Mr. Reiley was a Republican, always active, and an able advocate of the principles of his party. His first entry into the political arena as a candidate, however, was not until 1885 when he was brought out for Representative from Louisa County and elected to the Twenty-first General Assembly over a very strong opponent, Arthur Springer. During this session he became very prominent among the leading politicians and his influence spread throughout the State. He entered into the work immediately and with the firm determination that always governed his procedure, devoting much of his time to revising the judiciary system of the State, more especially the grand jury, which he succeeded in reducing to less than one-half the original number.

Perhaps the most prominent feature of this session with which he was connected, was the impeachment trial of John L. Brown, Auditor of State. He, with Judge S. M. Weaver, then a member of the House, were chosen on the first ballot to be two of the seven managers of the trial. His ability as a lawyer and a leader is plainly shown by his work on this committee. Toward the close of the session it became evident that something must be done to reduce the probable expense of the trial. Mr. Reiley prepared a bill under which the Legislature would adjourn as a legislative body and the Senate convene as a Court of Impeachment to hear the charges preferred by the House against the Auditor. The measure was introduced on Wednesday, reported favorably on Thursday morning, passed the House Thursday afternoon and the Senate the same afternoon, was enrolled in the evening, signed by the officers of the two houses and the Governor, published, and became a law Friday morning.

He was reelected to the Twenty-second General Assembly, dur-

ing which session he took an active part on behalf of the blind people of the State. Governor Larrabee appointed him on a committee of three to investigate the various institutions throughout the United States devoted to the education and industrial improvement of the blind. The committee in its report recommended the establishment of an Industrial Home for the Blind and the next Legislature established a home at Knoxville.

Though not a member of many organizations, he was an enthusiastic leader in those with which he was connected. In the Masonic Lodge he worked hard, being the first one in Louisa County to advance to the thirty-second degree. He took an active part in the Bar Association of the county and was its president at the time of his death.

During the latter years of his life one of his growing ambitions was to travel through Ireland. Business, however, kept delaying his visit. During the summer of 1914 the settlement of an estate, part of which was to be distributed in Ireland, presented his opportunity. He had just returned from this trip abroad and had only begun to tell his many friends of his experiences and the numerous places of interest, which he always enjoyed, when he was suddenly taken ill and died December 26, 1914, at his home in Wapello, Iowa.

As a lawyer, Mr. Reiley was considered among the best in the county where he continued to practice actively and industriously for over forty-three years up to only a few hours before his death. During this long period he was engaged in many of the most important causes tried in the district. Every one thought of him as a willing, indefatigable worker, one who took a deep interest in his cases, never overlooking the minutest details, and always tenacious to prove his convictions regardless of personal sacrifice. He had no aspiration for political power and wealth, but found pleasure in working steadily at his profession. As written in the tribute by the Louisa County Bar Association and spread upon the records of the county, "He did his full share of the work of his profession and achieved his full share of its honors."

J. E. REANEY.

CHARLES AUGUSTUS ROGERS; 1859-1914

Charles Augustus Rogers was born February 5, 1859, at Iowa City, Iowa, his parents being Dr. and Mrs. Edward M. Rogers, his father being of Scotch blood while his mother was of German ancestry. He was the youngest and last surviving member of the family. His death occurred December 1, 1914, as the result of a complication of organic diseases.

After graduating from the Iowa City public schools Mr. Rogers spent two years in a Chicago academy and in 1881 was graduated from the Law School of the State University at Iowa City. Following his graduation he located at Cedar Rapids and as a member of the firm of Bowman & Rogers practiced law until 1886, when he located at Iowa City and continued in practice. In 1895 he removed to Eldora, Iowa, which was thereafter his home.

As a member of the Bar of Hardin County Mr. Rogers made for himself a reputation as a criminal lawyer which was excelled by none. In the prosecution of a criminal or in defense of a client he never admitted defeat, and his indomitable courage and unflagging energy won for him legal victories where others would have conceded defeat. He cared little for the prestige of financial wealth but readily recognized and admired superior ability and achievement in any line. He was loyal to a friend but an unrelenting foe.

During the twenty years he lived in Hardin County he was active in politics and his counsel and active assistance was gladly availed of by his party. While he never held public office he gladly helped many a friend to win a hard battle and his effective work in the political campaign which closely preceded his death was recognized in his own county and in the State.

In 1908 he was the Democratic candidate for the office of Attorney General and at the time of his death he was committeeman for the Third Iowa Congressional District, a position for which he was eminently fitted. Had he lived his friends would have expected for him prompt and fitting recognition at the hands of the National administration, but he was called away

almost before the results of his last campaign had become known. His last work was done in behalf of friends who sought his advice and aid, and when he surely knew his days were but few on earth.

To men who knew him intimately as a friend or a business associate the seemingly untimely death of Charles A. Rogers in the prime of life, as counted in years, came as a distinct loss and a heavy blow, and the whole community felt the loss.

W. F. JOHNSTON.

GERHARDT HENRY SCHULTE; 1866-1914

Gerhardt Henry Schulte, the son of Mr. and Mrs. J. H. Schulte, was born in Clayton County, Iowa, January, 1866, and died at his home in Elkader, June 17, 1914. His was a clean, useful and manly life, wherein was reflected the sterling qualities of the best type of manhood. The committee is indebted to Hon. D. D. Murphy, a life-long friend, for the following biographical sketch of Mr. Schulte:

His boyhood days were spent on the farm and he received his early education in the local school. At the age of nineteen he began teaching in the schools of the county and one time was principal of the school at Clayton and later at Hedrick, Iowa. In 1890 he graduated from the Iowa State College, at Ames, with the degree of Bachelor of Science and in 1891 attended the Law Department of the State University. He then entered the law office of W. A. Preston at Elkader, and continued his study of law, being admitted to the Bar in 1894. Shortly after that he became associated with John Everall, Jr., in the law firm of Everall & Schulte for several years, but for a number of years past he has practiced alone. June 25, 1908, he was married to Miss Lillian L. Bridgeford, of Jefferson, Iowa, and since then their hospitable home in the north part of town has been a social center.

Mr. Schulte has always been active in public affairs and was elected State Representative from this county in 1906 and was reelected in 1908. He was elected Mayor of Elkader the spring of 1902 and served continuously for twelve years. In 1912 he was elected County Attorney and had just been renominated at the recent primaries.

Mr. Schulte's parents were members of the Lutheran Church and as a boy he was confirmed in that faith. He was deeply religious with a broad gauge, charitable faith that was borne out in his life; and at various times he was an active Sunday-school worker. He was a friend to every one, with a big, kind heart, ready to put himself out to accommodate a friend, aid the needy, or serve the community.

He was successful in his profession and its rewards came to him not because he sought them but in recompense for honest service faithfully rendered. Always loyal to a trust the people recognized that loyalty and were pleased to impose trusts and confer honors upon him.

W. E. SNELLING; 1835-1915

William Edwin Snelling was born in Columbiana County, Ohio, July 26, 1835. He entered Mount Union College, Mount Union, Ohio, and was a student there for two years. He afterwards entered the Ohio State Law School, at Cleveland, Ohio, and was graduated therefrom on June 15, 1863.

While a student in Mount Union College, Mr. Snelling met Miss Anna Reeves, of Mount Union, and after he had taught school in Ohio for a year following his graduation, Mr. Snelling was married to Miss Reeves on January 26, 1865. That same year Mr. and Mrs. Snelling came west, locating on a farm near Tipton, Cedar County, Iowa. Mr. Snelling taught school there for two years, engaged at the same time in some farming operations, and in 1867 came to Marshalltown, Iowa, where he engaged in the practice of law, alone, for a year. He then formed a co-partnership with the late J. F. Meeker, of Marshalltown, Iowa, and for two years the firm conducted its business under the name of Meeker & Snelling.

In 1870 Mr. Snelling formed a co-partnership for the practice of law with Mr. T. Binford, of Marshalltown, Iowa, under the firm name of Binford & Snelling, which partnership continued for twelve years, and after an interim in 1887, the former firm of Binford & Snelling was again established, and continued in the law business until its final dissolution in 1892.

When the Fidelity Savings Bank of Marshalltown was organized in 1892, Mr. Snelling was elected one of the directors of the bank, and vice-president thereof, which office he held until his death. In 1880, Mr. Snelling was elected member of the city council of Marshalltown, and served as councilman until the spring of 1884. He was elected trustee of the Marshall Cemetery Association in June, 1883, and served as a member of the board to the time of his death, and since May 1, 1893, he had been president of the board of trustees.

He died October 3, 1914, at his home in Marshalltown, Iowa, leaving his wife, and two children, Walter Snelling, and Mrs. I. Madison Bentley, of Urbana, Illinois.

During the later years of his life, Mr. Snelling did not engage in active court practice to any considerable extent, but he was always recognized as a man of good judgment, a man of high ideals in his life as a lawyer, and throughout his business career he was an honorable and upright man, a faithful counselor, and just in his dealings.

J. L. CARNEY.

LOUIS F. SPRINGER; 1851-1914

Hon. Louis F. Springer was born in Berks County, Pennsylvania, in 1851. He was a graduate of Lafayette College, Easton, Pennsylvania, after which he taught school for five years and then studied law, coming West to practice and locating in Independence, Iowa, in 1880. In 1881 he held his first public office, that of City Attorney, and served four years in that capacity. He afterwards was Clerk of the District Court for four years from 1891 to 1895, then returned to the practice of law. He was also Mayor of the city of Independence at one time. He served as Representative from Buchanan County, Iowa, in the State Legislature in the Twenty-ninth, Thirtieth, Thirty-first, and Thirty-second General Assemblies. His every election to public office was gained over large adverse majorities, indicating his popularity with the voters of the county.

On August 8, 1911, while taking his vacation, he was stricken with paralysis in the city of Springfield, Massachusetts, and never regained his health although he so far recovered that he was able to revisit Independence in the fall of 1912 for a short time. He died at his old home in Klutztown, Pennsylvania, on April 19, 1914.

In the practice of his profession of law, Mr. Springer was primarily a business lawyer. The trial of cases had no charm for him and he would go far to effect a settlement out of court. This trait together with his legal ability and absolute honesty endeared him to a large circle of conservative clients whose business he retained until the end.

Mr. Springer was a well read and learned man and was also endowed to a great degree with what is termed common sense. He had a kind and genial personality, was respected and beloved by all who knew him and in his death the legal fraternity lost a high minded and exemplary member and the county and State at large a most worthy and public-spirited citizen.

M. A. SMITH.

FRANCIS M. TAYLOR; 1839-1915

Francis M. Taylor was born at Perrysburg, Cattaraugus County, New York, December 24, 1839, and died March 27, 1915. Mr. Taylor received his early education in youth by studying at nights, while he worked in the saw-mills and on farms by day. He later studied at Mayville Academy and later at Eastman's Mercantile Academy, Poughkeepsie, New York.

He was admitted to the Bar at Waukesha, Wisconsin, in 1869; and came immediately to Algona and began the practice of law. He was first elected Justice of the Peace at Algona and held that office for thirty years. As Justice of the Peace he was noted for his fairness and candor; his constant desire was to do the very right between the parties; he lamented at the miscarriage of justice, however seldom it may happen.

He had the confidence and respect of the Bar as well as of the people, and his neighbors highly appreciated his efforts for the promotion of good in the community. He was always ready to lend his influence, and contribute of his funds, for the upbuilding of the public schools, the moral influence of the community, and the betterment of society. He was one of the pioneers of the county; and as such he knew the sacrifices that were made by the early settler. It was his ambition that the present generation should never live as they had to live, which was the controlling cause for his keen interest in all public matters and the general welfare of the community.

His candor, honesty, and fair-mindedness were admired by those who knew him as well as by the entire Bar of the county and his influence for good will be felt in the community for many generations.

W. B. QUARTON.

ZADOC W. THOMAS; 1857-1914

Zadoc W. Thomas was born May 18, 1857, in Columbus County, Ohio, and died at Fort Dodge, Iowa, June 16, 1914. He moved to Oskaloosa, Iowa, with his parents, in 1865. He graduated from the State University Law Department in 1884, and came to Fort Dodge in that year.

Shortly after coming to Fort Dodge, in addition to his law business, he founded a real estate and abstract office, and for many years conducted one of the largest abstract and real estate businesses in northern Iowa. He was a great believer in Iowa land, and purchased large amounts of it. He was the agent of the Litchfield interests, of New York, for large tracts of land in Boone, Webster, and Hamilton Counties. Some eight or ten years before his death, he went into dairy farming quite extensively and was so engaged at the time of his death.

He was an industrious, high-class citizen, and possessed the respect and esteem of the public. He gave a great deal of attention to real estate law, and was a sound and prudent adviser and counselor.

M. F. HEALY.

W. W. WELCH; 1849-1914

Mr. Welch was born in Maryland in the year 1849, and died at Monticello, Iowa, July 5, 1914. At an early age and shortly before the Civil War he came to Iowa with his parents who settled in Clayton County, and after the war he moved with his parents to Delaware County and was there reared on a farm where he grew to manhood and attended college at Hopkinton, later beginning the practice of law.

He was admitted to practice in the Supreme Court in this State in 1881, and began the active practice of the law in Monticello with his brother John S. Welch under the firm name of Welch & Welch.

For over thirty years the firm practiced law and became widely known throughout the State as one of the leading firms of Iowa, trying probably more important cases than any law firm in eastern Iowa. Mr. Welch was a man of fine personal appearance, an

excellent lawyer and an advocate and orator surpassed by few, if any, lawyers in the State.

As a cross-examiner he was very proficient. He was a model business man. He kept a diary in which he recorded the most minute as well as the greatest events of his life and those within his knowledge of his friends and acquaintances, with the result that in after years he was frequently called upon for information as to dates and events and these would always be found faithfully recorded in his diary.

Financially he was more than ordinarily successful, leaving a large estate as a heritage to his eight children, four girls and four boys. His brother John, his former partner, survives him and still is engaged in the practice at Monticello, Iowa.

Mr. Welch's mother was born at Washington, D. C., and was a daughter of William Temple Mason, a prominent attorney of his day, and her grandmother was a sister of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence.

JOHN S. WELCH.

Upon motion duly made the report was received and placed on file.

THE PRESIDENT: Are there any reports of Special Committees ready at this time?

JUSTICE H. E. DEEMER: I am a member of a Special Committee on the Judiciary Building for the State of Iowa. We haven't had any heart for a meeting since the Legislature adjourned. I suggest that we try and get together at 1 o'clock this afternoon. Personally I regard this as one of the most important matters to the Association and the lawyers of the State. I suppose our duties are done, but the meeting might direct its attention to the manner of report it shall make to the Association, in the hope that the life of this committee might be extended or some other committee appointed to take charge of the matter.

THE PRESIDENT: I agree with Judge Deemer, this is one of the most important matters before the Association—the erection of a Judiciary Building on the Capitol grounds.

JUDGE M. J. WADE: Will you have the names of that committee read?

THE SECRETARY: The committee consists of the following members: H. E. Deemer, Red Oak; J. L. Carney, Marshalltown; J. A. Devitt, Oskaloosa.

MR. C. H. VAN LAW: There was a Special Committee appointed on Uniform Laws at the last meeting. I would like to have the Secretary read the names of that committee so that we may have a meeting of that committee at the Commercial Club Rooms at 1 o'clock.

THE SECRETARY: The members of that committee are: C. H. Van Law, Marshalltown; H. C. Horack, Iowa City; J. B. Weaver, Des Moines; J. A. Devitt, Oskaloosa, and I. N. Flickinger, Council Bluffs.

THE PRESIDENT: At this time, we were to have a report from the Delegates to the American Bar Association. I think none of the delegates are here at this time. But a report of that meeting has been prepared and sent to the Secretary by Mr. Marsh W. Bailey of Washington, who was one of the delegates from this Association.

REPORT OF DELEGATES TO THE AMERICAN BAR ASSOCIATION
Mr. President, and Members of the Iowa State Bar Association:

The thirty-seventh annual meeting of the American Bar Association was held at Washington, D. C., on October 20, 21 and 22, 1914. The American Capital is often spoken of as the most beautiful city on the Western Continent, if not, indeed, taken as a whole, the most beautiful city in the world. However, if these statements are not entirely true at this time, Washington is certainly soon to be destined to that position, for the reason that its growth and development is being guided by master minds of art and beauty. October, too, being the most beautiful month of the year at Washington, added much to the pleasure of the delegates. It would be difficult to keep within the truth and say that there ever were three more beautiful days than the three days the American Bar Association was in session.

The meeting was held in Memorial Continental Hall of the Daughters of the American Revolution. The first meeting was presided over by William Howard Taft, President of the Association. The Members of the Supreme Court of the United States were upon the platform, and the President of the United States delivered the first address. In introducing President Wilson, Ex-President Taft tendered him not only the high respect which the lawyers present held for the office he fills, but their deep personal confidence in his ability and purpose safely to guide the Ship of State in the troubled waters, and assured him of their earnest coöperation and support. In response to this sentiment it was apparent that our Chief Magistrate has the full confidence of the leading lawyers of the country. The keynote of President Wilson's address was the humanity of the law, and it was well received.

Upon the withdrawal of the President of the United States and the Members of the Supreme Court, President Taft delivered the annual address. After making references to the preceding meeting of the Association at Montreal, Canada, with feeling reference to the beautiful address of Lord Chancellor Haldane, and the great change brought over the world by the European war, he devoted much of his address to the noteworthy legislation of the year, commenting extensively on the Trade Commission Act and the so-called Clayton Act. The comments on these important ventures in national legislation were clear, incisive and authoritative; and one was impressed as though by an opinion on these laws by the court of last resort. From the very opening of the meeting until its close it was clearly shown that President Taft is the idol of the legal fraternity.

In the evening Elihu Root was introduced as the leader of the American Bar by the President, and delivered an address upon the subject of "The Layman's Criticism of the Lawyer." He said there was a feeling of dissatisfaction with the law and the methods of enforcement of the law among the American people; and he considered it of very great importance that the lawyers should heed that feeling, especially in this country, where the justice and the law are established, maintained and enforced

only by the authority of the very people among whom the feeling is found.

We hear many casual complaints made by intelligent persons, based sometimes upon experience and sometimes upon observation. They say the law is slow and dilatory; that it takes forever to reach a conclusion; that redress of wrong is often attained, if at all, too late to be of any use; that when criminals are finally brought to justice, the punishment is too far removed in time from the crime to have punitive effect. They say the law is enormously expensive; that whether a suitor succeeds or is defeated, he is likely to be ruined either way by the multiplication of counsel fees and costs and expenses and loss of time and interference with business; that the client has no means of measuring or weighing or estimating proper compensation for the services rendered to him, so that fees are vague and indeterminate and the man of moderate means has no way of counting the cost before he goes into litigation; that the law is so arranged as to require, even in simple matters, an enormous and disproportionate amount of labor which has to be paid for; that everybody's lawyers do a multitude of things for which there seems to be no occasion and for which the client has to pay. They say the law is doubtful and uncertain; that with all the thousands of statutes professing to make it clear and all the tens of thousands of decisions by hundreds of courts declaring it and applying it, nobody seems to know what it is; that its administration is a lottery and depends upon the last guess; that the chances of injustice succeeding and of the criminal escaping are so great that judgment has little terror for the wrongdoer; that it has become so voluminous and complicated as to be beyond the comprehension of plain men, and no one knows how to conduct his affairs in such a way as to be sure not to violate it or to protect himself under it. . . .

What can the Bar do to improve the administration of justice in the United States? First we can improve our lawmaking. We make too many laws. According to a count made in the Library of Congress, our National and State Legislatures passed 62,014 statutes during the five years from 1909 to 1913 inclusive. During the same five years 65,379 decisions of the National and State Courts of Last Resort were reported in 630 volumes. Of these statutes 2,013 were passed by the National Congress, and of these decisions, 1,061 were rendered by the Supreme Court of the United States. Many of these statutes are drawn inartificially, carelessly, ignorantly. Their terms are so vague, uncertain, doubtful, that they breed litigation inevitably. They are thrust into the body of existing laws without anybody taking the pains to ascertain what the existing laws are, what decisions the Courts have made in applying and interpreting them, or what the resultant of forces will be when the old laws and the new are brought together. They are made without the true basis for general legislation in the customs and needs of the community to be affected. Laws affecting the conduct of life and affairs of the people ought not to be passed because it

happens to occur to someone that it would be a good thing to make a change. They ought to grow out of a generally recognized public need for the change, ascertained not by a process of reasoning but by experience. . . .

Changes in the substantive law ought to be subject to long-continued inquiry and discussion. They ought to be tested by the practical knowledge of the people who will be most affected by them and are most familiar with the subject to which they relate. . . .

Yet thousands of laws are passed in the United States every year without being submitted to any such test. We are coming very much into the habit of this kind of *a priori* legislation, passing laws which somebody has conceived or reasoned out because they seem all right theoretically. There is a very prevalent idea that the people who would be most affected by a law are disqualified as witnesses regarding its wisdom, practicability and effect, because of their interest. If they see that a law affecting them is proposed and undertake to say what they think about it, they are accused of lobbying and warned off the premises. Yet when all the different groups of people who will be affected by particular laws are put together, they constitute the American people, and if laws are to be made without hearing them, we shall have a body of statutes based upon theory and not upon practical knowledge of affairs. All this mass of ill-considered, badly drawn, experimental, first-impression legislation with which the country is flooded from year to year causes innumerable litigations which clog the calendars of the Courts, occupy the time of Judges, and delay the disposition of other litigation. It creates new questions faster than the Courts can decide old ones. It causes ignorance and uncertainty regarding the law, which is continually changing; and the multitude of new laws is one of the chief reasons for the multitude of reported decisions. . . .

Undoubtedly there is much reason in these later days for new legislation. Our social and industrial conditions are changing very rapidly. New relations, new rights, new obligations, are being created, for the regulation of which the old laws and customs of the country are inadequate, and there must be new laws to prevent injustice. Nevertheless there is no real need or justification for a large part of the laws that are made or for the way in which they are made. . . .

Sometime we shall realize that salvation does not come by statute; that prompt and effective administration of justice must rest upon stability and certainty of the law; that over-legislation defeats its own purpose by the uncertainty and confusion and ineffectiveness which ensue; and that the proper function of the legislator is not to command or compel the people whom he serves, but is, on the one hand, to record the matured opinions and sense of justice of the community, and, on the other, to make these effective by the needful adaptation of the machinery of government.

Senator Root suggests that the courts cannot apply the remedy, nor can the lawyers as officers of the court, but as lawyers make

up the majority of every legislative body in the United States and their opinions in their own communities on such a subject will have a great effect in forming the public opinion which controls legislatures. He commended the State of Wisconsin for its reference library and Drafting Bureau of legislation, which follows in a general way the British House of Commons. He suggests that the Bar can do much to simplify the procedure of our Courts; and said that the Field Code of Civil Procedure in 1848, which was followed by the greater part of the American States in what was known as the Reform Procedure, must still give way to a simpler, more direct and more practical procedure. He stated that there is no country in the world in which rules for the exclusion of evidence are applied with the rigidity and technicality obtaining in the United States; and that he should like to see the carefully framed series of negations by which so much testimony is excluded from the knowledge of judges and jurors, broken down. Under our practice it is an exceedingly difficult thing to tell the truth, the whole truth, and nothing but the truth, on the witness stand. He says that there are about twenty objections to the admission of evidence in an American court to one in an English court. The system of law is the same, and the rules are the same. The difference is simply one of habit, and a bad habit at that. It is his opinion that the rule against reversals, except for causes which can be shown to have affected the decisions in the court below, will have a salutary effect in this direction. He cites a number of other instances in which he thinks that there should be a change, and closed his address as follows:

We are in a period of universal development. All business, all science, all thought, are casting off old shackles and impediments and improving their methods, increasing their efficiency, lifting up their standards. It should not be that our noble profession is alone to remain stationary and without growth along the lines of better service and greater usefulness.

At the evening session the Rt. Hon. Sir Charles Fitzpatrick, Chief Justice of the Dominion of Canada, delivered an address

on "The Constitution of Canada," and at the morning session of the third day the Rt. Hon. Romulo S. Naon, Ambassador from the Argentine Republic to the United States, delivered an address on "Argentine Constitutional Ideas." Every American citizen who assumes any responsibility for constitutional government in this country would do well to read and consider these addresses on the constitutions of our neighbors. As Senator Root said, they push back our horizon, they enlarge our understanding, and they quicken us to emulation in our service in the cause of free government.

Of course there were the reports of many committees, as well as learned and eloquent discussion relating thereto, entirely too lengthy and complex for the purpose of this report. Perhaps the most noteworthy act of this meeting was the establishment of *The American Bar Association Journal*, which for the present is to be published quarterly under the direction of the Publication Committee, of which Simeon E. Baldwin is Chairman; and is to be sent to each member of the American Bar Association of which the State of Iowa reports one hundred and thirty members. It is to be hoped that the frequency of publication of the *Journal* will increase until it becomes a weekly.

No report of the meeting at Washington would be complete without a reference to the social functions of the occasion. On the evening of the first day the United States Supreme Court tendered a reception to all visiting attorneys at the Pan-American Union Building. It is perhaps the first occasion of that kind in the history of the nation. The Bar Association of the District of Columbia arranged a most enjoyable excursion to Mount Vernon by boat on the Potomac River, and the Virginia Bar Association delightfully supplemented the courtesy on arrival at the historic home of Washington. The Chevy Chase Club opened its delightful buildings and beautiful grounds to all members of the Association. The annual banquet was held on the third evening, there being eight hundred and fifty in attendance. All the Members of the Supreme Court, and eight descendants of the Chief Justices of that Court were guests, and

responses to toasts were made by representative leaders of the Association, including the Chief Justice of the United States.

Respectfully submitted,

MARSH W. BAILEY,

For the Delegates.

THE PRESIDENT: The next thing on our program is a paper entitled "International Law and the European War," from a gentleman who has been in a position to be fully qualified and competent to give us interesting and useful information on that subject. He has served on the District Bench of this State and has represented his District for many years in Congress, the Honorable Horace M. Towner, of Corning.

INTERNATIONAL LAW AND THE EUROPEAN WAR

Grotius, the father of international law, defined it thus:

As the laws of each state respect the benefit of that state; so among all or most states there might be, and in fact are, some laws agreed on by common consent, which respect the advantage, not of one body in particular, but of all in general.

More comprehensive and illuminating is the definition of Blackstone:

The law of nations is a system of rules, deducible by natural reason, and established by universal consent among the civilized inhabitants of the world; in order to decide all disputes, to regulate all ceremonies and civilities, and to insure the observance of justice and good faith in that intercourse which must frequently occur between two or more independent states, and the individuals belonging to each.

This general law is founded upon the principle that different nations ought in time of peace to do one another all the good they can, and in time of war as little harm as possible, without prejudice to their own real interests. And, as none of these states will allow a superiority in the other, therefore neither can dictate or prescribe the rules of this law to the rest; but such rules must necessarily result from the principles of natural justice, in which all the learned of every nation agree; or they depend on mutual compacts or treaties between the respective communities, in the construction of which there is also no judge to resort to, but the law of nature and reason, being the only one in which all the contracting parties are equally conversant, and to which they are equally subject.

It would be easy to criticise Blackstone's definition, but it is remarkable how nearly it covers the field, even in the light of wider experience and later development.

All the early writers, Grotius, Puffendorf, Vattel and others base their sanction for international law on what was denominated the law of nature. Indeed Sir Henry Maine says, "The grandest function of the law of nature was discharged in giving birth to modern International Law." Blackstone says the rules of international law are "deducible by natural reason," but he clearly apprehended that they must be "established by universal consent." It is generally understood now that the sanction and authority of international law are based on the consent of nations.

In the origin and development of international law we find the same evolutionary stages found in the origin and development of national law. And as there can arise no international relations until nations are organized and recognized, so national law must precede international law.

International law like national law has its *lex scripta*, its written or statute law; and its *lex non scripta*, its customary or unwritten law. Just as the customary or unwritten law of nations precedes the written or statutory law, so in international law the unwritten precedes the written, the uncertain the certain; usage and custom and precedent are followed by the code and the court.

The transference of a common law rule into a statute, of a body of usages and customs into a written code in states and nations, has its parallel in international law. As principles and rules of international intercourse become generally accepted, they are being specifically agreed to, officially promulgated, and thus go to make an actual written code of international law. There is now and probably always will be a body of usages and customs, some of them individual and local of application, and some which are not generally or at least not universally approved, which will not be codified, and which will constitute the unwritten and hence uncertain body of international law.

Complaint is made that many of the rules of international law are vague, uncertain and of disputed authority. But so have

always been and so will always continue to be much of the great body of unwritten law. And just as in states there is a constant transference of such uncertain rules into the determinate form of statutes, so is there now and so will there be in constantly increasing measure a transference of the uncertain rules of international law into fixed conventions.

It may be of interest to consider briefly the origin and development of these two forms of international law. First, the unwritten or customary body of international law.

UNWRITTEN INTERNATIONAL LAW

Like the common law of nations it is not promulgated by any sovereign body or power. It consists of customs and usages which have been generally approved and followed. Its appeal is to general humanitarian principles and to precedent. First among the sources of unwritten international law are the works of great publicists. From Grotius down to the present day there have been a long series of able writers whose works have influenced the practice of states and are appealed to in international controversies.

It may almost be said that Hugo Grotius created international law. His great work, *De Jure Belli ac Pacis*, was published in 1625 and received immediate consideration. It is still recognized as the great source and base of modern international law. Grotius has been followed by a long line of able and profound writers who are regarded as authorities on international law, and to whose works constant reference is made in diplomatic negotiations and international controversies.

Another source of this division of international law is the decisions of prize courts, international conferences and arbitral tribunals. Prize courts are established by belligerent states to determine the validity of the captures made by their cruisers. The decisions of some of the great judges who have presided in these courts have enriched the literature of international law with a series of profound judgments which are quoted with respect wherever the rights and obligations of civilized states are discussed. The names of Lord Stowell, the Englishman,

Portalis, the Frenchman, and Story, the American, will live as long as the law of nations endures.

Great state papers, the instructions of Secretaries to their ambassadors, the arguments of great lawyers before courts and arbitral tribunals, the opinions of law officers on subjects submitted to them, the decisions of the national courts upon international controversies, all these are sources of international law and carry weight in the determination of disputed propositions however they may arise.

In the case of *Bentzon v. Boyle*, 9 Cranch 191, Chief Justice Marshall said:

The law of nations is the great source from which we derive those rules respecting belligerent and neutral rights, which are recognized by all civilized states throughout Europe and America. This law is in part unwritten and in part conventional. To ascertain that which is unwritten we resort to the great principles of reason and justice; but as these principles will be differently understood by different nations under different circumstances, we consider them as being in some degree fixed and rendered stable by a series of judicial decisions. The decisions of the courts of every country, so far as they are founded upon the law common to every country, will be received, not as authority, but with respect. The decisions of the courts of every country show how the law of nations, in the given case, is understood in that country, and will be considered in adopting the rule which is to prevail in this.

Having considered the unwritten or customary body of international law, we will now direct attention to the written or codified international law.

WRITTEN OR CODIFIED INTERNATIONAL LAW

Agreements, conventions or treaties, specifically agreed to and reduced to writing, constitute our only certain and determinable body of international law. As we have seen while considering its definition, international law must rest on consent, either express or implied. Express consent can only be made manifest by written conventions specifically agreed to and signed by the representatives of the nations who are to be bound thereby.

Treaties were in fact the beginning of definite international law. They were the first recognition of the principle that na-

tions have obligations toward each other just as individuals have, that nations may make agreements with each other as individuals may, and that violation of such agreements is an unjust and dishonorable thing. Most treaties are merely agreements between two nations which regulate trade, determine the rights of citizens of one country while in the other, and such matters. They usually contain no general rules on international conduct.

LAW-MAKING TREATIES

There is a class of treaties which in fact legislate, and thus have made and are making a written code of international law. They are the result usually of great international conferences or congresses, and are assented to and become binding on all those nations which sign or agree to be bound by their provisions.

These great or major treaties may be divided into two classes, one of which I have ventured to denominate dynastic and the other regulatory. As an example of the dynastic form of law-making treaties the first great instance was the Congress of Westphalia.

THE CONGRESS OF WESTPHALIA

In order to bring the Thirty Years War to a close, and to determine territorial and dynastic rights disturbed thereby, it was determined to hold a Congress of the powers in Westphalia, a German province. The Congress began its deliberations in June, 1645, and ended in October, 1648.

Never before had so august an assembly met in Europe. The nations were represented by their greatest nobles and ablest diplomats. As a result of the labors of this Congress the foundations of modern Europe were laid. It terminated the long series of wars which had for thirty years devastated Europe. It established the equal rights of the Catholic and Protestant churches. It rendered three hundred and fifty German princes almost independent of the Austrian Empire. It laid the foundation of the future greatness of Prussia which led to the establishment of the present German Empire. The great treaty which resulted from the deliberations of this Congress became the dynastic and terri-

torial international law of Europe and was the great charter to which appeal was made for two hundred years. It established the principle known as the Balance of Power, which ever since either consciously or unconsciously has determined the policy of the nations of Europe.

The Congress of Westphalia derived the principle of the Balance of Power from Grotius who had declared early in the seventeenth century that the states of Europe formed in fact one grand community, or federal league, of which the fundamental principle and condition was the preservation of the balance of power. Vattel, in explaining it a century later, said that the principle meant such a condition as that no potentate or state should be able absolutely to predominate and prescribe laws to the others. Fénelon still later declared that Christendom is a kind of "A universal republic, which has its interests, its fears, and its precautions to be taken. All the members of this great body owe it to one another for the common good, and owe it to themselves for the security of their country, to prevent the progress of any other member who shall seek to overthrow this balance. Whatever changes this general system is dangerous and draws after it infinite mischiefs." Earl Gray said of this principle on one important occasion, "the poorest peasant in England is interested in the balance of power, and this country ought to interfere whenever the balance appears to be in danger."

The object of the balance of power, rightly understood, was to avoid war by establishing a common interest and obligation in the maintenance of peace. Later it was made the pretext for unjustifiable aggressions, and was urged as an excuse for wars of aggrandizement and conquest.

Another great example of dynastic international legislation was the Congress of Vienna.

CONGRESS OF VIENNA

The French Revolution and the Napoleonic wars swept away the entire political fabric of continental Europe and the treaties on which it was based. Upon the fall of Napoleon and his exile to Elba it was agreed by the thirty-second article of the Treaty

of Paris, signed on the thirtieth of May, 1814, between France and the allied powers, that, "within two months all the powers which have been engaged in the war on either side should send plenipotentiaries to Vienna to settle, at a general Congress, the arrangements required to complete the provisions of the Treaty of Peace."

The Congress which met at Vienna in November of that year was by far the most splendid and important assembly ever convoked to discuss and determine the affairs of Europe. The Emperor of Russia, the King of Prussia, the kings of Denmark, Bavaria and Wurtemberg, were present in person in the Austrian capital at the court of the Emperor Francis. Prince Metternich was selected to preside over the Congress. Prince Tallyrand represented France. Great Britain sent her Secretary of State for Foreign Affairs, Lord Castlereagh, besides the Duke of Wellington and others. A hundred sovereigns and ministers were collected at Vienna, all animated by a desire for peace, and a lively sense of their own interests.

Cavalier Gentz, who was named protocolist to the Congress, and who in fact drafted the treaties which were afterwards signed by all the powers, has left a curious account of the secret proceedings of this prodigious assembly. Strange to say the Congress itself, that is to say the representatives of all the principalities and powers, never met in council. The business was transacted entirely by committees. For months the negotiations continued, and a final result seemed for a time hopeless. But Napoleon's escape from exile in March, 1815, roused the Congress from its lethargy, and at length the great treaties were signed on June 7, 1815—eleven days before the battle of Waterloo.

As a result of the deliberations of the Congress of Vienna peace was given to Europe which was unbroken for forty years. The territorial possessions and frontiers of the continental states were defined in one document, to which all the governments of Europe were parties. The neutrality and independence of even the smallest states were established and guaranteed. Every state in Europe had an equal right and interest to invoke the authority of the treaty and to claim the execution of all its conditions. A

complete system of dynastic regulation, such as had never existed before, was established by mutual contract; and every infraction of it under its terms might be brought to the consideration of the high contracting parties, and might be made the ground even of a declaration of war.

Other instances of Congresses of nations where territorial and dynastic rights were settled could be cited, but none so important as those described.

REGULATORY LAW-MAKING CONGRESSES

We come now to consider the second class of law-making congresses or conferences, where rules for the regulation and government of international intercourse have been considered and adopted. This is international legislation proper, and rules adopted by these congresses and conferences, sanctioned by treaty agreements, constitute the true body and code of international law.

THE DECLARATION OF PARIS

A conference of the powers engaged in the Crimean War at its close met in Paris to negotiate a treaty of peace. This was accomplished, and the treaty signed in March, 1856. By this treaty were ended territorial and dynastic controversies. Various differences had arisen during the war regarding the rules of maritime capture, and to settle these the representatives of the powers reassembled and adopted a body of rules which have been known since as the Declaration of Paris. The rules adopted were four in number:

- (a) Privateering is, and remains abolished.
- (b) The neutral flag covers enemy's goods, with the exception of contraband of war.
- (c) Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag.
- (d) Blockades, to be binding, must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The Declaration was signed by all the great powers in conference, and the signatory powers further agreed to bring the Declaration to the knowledge of the states which had not taken part in the Congress, and to invite them to accede to it. Forty adhesions have been received since, and belligerents have observed its rules in all subsequent naval wars down to the present European war, whether they were signatories or not. The only power of importance which has not given its express consent is the United States, for reasons which will be stated hereafter. It, however, has carefully observed the provisions of the Declaration for over half a century, and is now appealing to it in its controversies with Great Britain and Germany arising out of the present war.

It may be claimed positively that these four provisions of the Declaration of Paris are international law. If they are not, there is and there can be no international law.

GENEVA CONVENTION OF 1864

The treatment of the sick and wounded in time of war was first made the subject of international agreement in the Geneva Convention, August 22, 1864, the operation of which was subsequently extended to hostilities at sea by additional articles agreed to October 10, 1868, and to maritime warfare in general by the first Peace Conference at The Hague in 1899.

In 1906 a convention called for the purpose of further revising the convention of 1864 met at Geneva. Thirty-seven governments were represented and a code of rules was agreed upon and signed June 11 of that year.

Nearly all the states of the civilized world are now parties to these agreements. Their value is shown by the fact that these rules for the amelioration of the condition of the sick and wounded have been observed in all wars since their adoption down to the present war.

FIRST PEACE CONFERENCE AT THE HAGUE, 1899

As a result of the deliberations of the International Peace Conference, convened in pursuance of an invitation addressed by

the Imperial Government of Russia to the principal states of the civilized world, three treaties or conventions were entered into and three formal declarations were adopted by the signatory powers. In addition to this action in the way of obligatory conventions, several important resolutions were agreed to and submitted to the signatory powers for subsequent consideration. The following are the principal results of the Conference:

1. A Convention for the pacific adjustment of international disputes.

2. A Convention in respect to the laws and usages of war on land.

3. A Convention for the adaptation of the rules of maritime warfare to the principles of the Geneva Convention of August 22, 1864.

4. Three declarations in respect to the following subjects:

- (a) Prohibition of the use of projectiles or explosives from balloons, or by other similar methods.

- (b) The prohibition of the employment of projectiles which have for their sole purpose to diffuse asphyxiating or other deleterious gases.

- (c) The prohibition of bullets which expand or flatten easily in the human body; such as bullets with hard jackets, which do not entirely cover the projectile or are provided with incisions.

5. Six resolutions of international importance were also agreed to by the conference.

SECOND PEACE CONFERENCE AT THE HAGUE, 1907

The Second Peace Conference convoked by his Majesty the Emperor of Russia, upon the suggestion of the President of the United States, completed its labors October 19, 1907, after a series of discussions extending over a period of four months. The Conference was composed of one hundred and eight delegates plenipotentiary, representing forty-four sovereign states. As a result of its deliberations thirteen conventions have been adopted, together with two declarations, one resolution, and five *vœux*, or expressions of desire upon questions of serious international concern. The following conventions were adopted,

some with substantial unanimity, others with certain exceptions and reservations. The following are the titles of the conventions adopted by the Conference:

1. A Convention for the pacific settlement of international conflicts, being an amendment of the corresponding agreement of July 29, 1899.
2. A Convention relative to the recovery of contractual debts.
3. A Convention relative to the opening of hostilities.
4. A Convention concerning the laws and customs of war on land.
5. A Convention concerning the rights and duties of neutral states and individuals in land warfare.
6. A Convention regarding the treatment of the enemy's merchant ships at the outbreak of hostilities.
7. A Convention regarding the transformation of merchant ships into vessels of war.
8. A Convention in regard to the placing of submarine mines.
9. A Convention concerning the bombardment of undefended towns by naval forces.
10. A Convention for the adaptation of the principles of the Geneva Convention to maritime warfare.
11. A Convention imposing certain restrictions upon the right of capture in maritime war.
12. A Convention providing for the establishment of an international prize-court.
13. A Convention defining the rights and duties of neutral states in maritime war.

DECLARATION OF LONDON

Concerning Laws of Naval Warfare, 1909

The twelfth of The Hague Conventions of 1907 was concerned with the creation of an international prize-court, to act as a court of appeal from the national tribunals of the belligerent powers, before which cases of capture at sea are taken in the first instance. It is obvious that such a court must speak with vast authority, and have an enormous effect in moulding and developing the law

of maritime prizes. But it is equally obvious that no power whose interests were largely bound up with commerce overseas could submit itself to the judgment of the court, unless it knew and approved beforehand the main principles and fundamental rules by which the decisions would be guided. Some of these have been settled in the course of ages by general consent. The second Hague Conference formulated others. But it failed to reconcile opposing views with regard to several important matters, notably contraband and blockade. Great Britain therefore proposed that the chief maritime powers should send representatives to a Naval Conference at London, for the purpose of making a fresh attempt to resolve outstanding difficulties connected with prize law. The Conference met in December, 1908, and sat till February, 1909. It was a smaller and better organized body than The Hague Conference, and its deliberations were crowned with success to a most encouraging and unexpected degree. On one only of the ten important subjects laid before it was agreement found to be impossible. On another a confessedly incomplete agreement was all that could be reached. The rest were settled in a way that has met with the general approval of the civilized world. These happy results were embodied in a code of seventy-one articles, called the Declaration of London. It has been signed by the ten powers represented at the conference, and those who were unrepresented have been invited to give their adherence.

NECESSARY CHANGES

In these various conventions and as a result of these various congresses of the nations we have derived a great body of fixed and determined international law. It is a splendid code of laws, better by far than the world has ever known before. But international, like national laws, are never perfect. They must be amended and changed to meet the changing times. In the light of the present European war both new legislation and modifications of existing law are necessary.

EXEMPTING PRIVATE PROPERTY FROM CAPTURE AT SEA

Under existing international law the capture by belligerents of private property at sea and its appropriation or destruction is authorized. It is now a violation of international law for an army on land to confiscate or destroy private property. But at sea both merchant vessels and their cargoes may be captured and confiscated or destroyed. The United States has favored the exemption of private property at sea from capture from the beginning of its national career. It was embodied in Franklin's treaty with Prussia in 1785. In 1823 John Quincy Adams, then Secretary of State, proposed to the Governments of England, France and Russia that they should enter into a convention for the purpose of exempting private property at sea from the depredations of war. In 1856 the United States refused to ratify the Declaration of Paris unless all private property at sea, except contraband of war, was freed from liability to capture. The provision would have been added but for the opposition of Great Britain. The American delegates to the first Hague Conference in 1899 were instructed to work for its adoption, but it was referred to a subsequent conference. During the Conference of 1907 it was debated and again ably and earnestly advocated by the American delegates. It failed, mainly, it is said, through the influence of Germany. It should be made a principle of international law. If it had been adopted prior to the present war, and observed, much trouble and many unfortunate occurrences might have been avoided. The present rule belongs to the age of piracy, of privateers and brigandage; and the nation which now advocates its retention is unworthy of a place among civilized nations.

CONTRABAND OF WAR

Great progress was made by the Declaration of London toward definiteness in the determination of contraband of war. Article 22 provided a list of articles which were absolutely contraband. Article 24 provided a list of conditional contraband. But unfortunately Article 25 provided that, "Articles susceptible of use in war as well as for purposes of peace, other than

those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration which must be notified."

Under this exceptional clause the nations now engaged in the European war have made many unwarranted extensions of the list of contraband, until almost everything desired to be excluded has been declared contraband. No such power should exist. It is as important that certainty in contraband be obtained as certainty in any other provision of the law.

It is true that the provisions of the Declaration of London have not been ratified by the powers taking part in its formation. But it was agreed to and signed by the representatives of Great Britain, Germany, France, Austria-Hungary, the Netherlands and the United States. That alone is sufficient to give it great weight as regulatory legislation, and the absence of specific ratification will render it easy of amendment.

SUBMARINE WARFARE

The use of submarines in the present war has made necessary both modifications in existing rules, and new regulations regarding them. The destruction of the *Lusitania*, with the consequent loss of over a thousand lives of noncombatants including women and children, has painfully brought to mind the necessity for laws which shall prevent a recurrence of such an awful calamity.

Many other additional laws might be specified, the necessity for which has been made manifest by the developments of the present war. Many modifications of existing rules will also be required. It will be impossible within the scope of this paper to even enumerate them.

VIOLATIONS OF INTERNATIONAL LAW

But, it may be asked, "Why propose bettering international law, or, indeed, even continuing it, when it has not been observed during the present war, but has been and is being continually broken by the nations engaged in it?"

The Germanic allies are determined, it is said, by every means in their power to prevent the shipment of arms and ammunition

to the English and French ports. England and her allies are determined by every means in their power to prevent the shipment of food products and cotton to the ports of Germany and Austria. In this endeavor both belligerents are almost continually violating the agreed and well-settled rules of international law. The inquiry is pertinent as to the value of rules of law which are not of service at the very time when their observance is most important and necessary. Is a law which is not enforced when enforcement is most necessary worthy to be called a law?

In the first place it may be said that violations of law do not destroy the law, they only emphasize the necessity for both its existence and enforcement. Because two nations have violated the provisions of international law during the present war no more destroys the law than instances of larceny destroy the law which forbids it. To those who believe or fear that the infractions of international law now occurring destroy the law we commend the language of the Supreme Court of the United States in a case where a nation sought by its statute to make nugatory an admitted principle of international law.

In the case of "*The Scotia*," 14 Wallace 170, the Supreme Court said:

Undoubtedly no single nation can change the law of the sea. That law is of universal obligation and no statute of one or two nations can create obligations for the world.

Indeed, so far from these infractions destroying or even weakening the law, it is almost certain that acknowledgment of the necessity for a more definitely determined code of international law and a stronger compulsion for its observance than ever before existed will come with the close of the war. The very nations violating the law seek to justify their acts by alleging circumstances which take what are claimed as violations out of the application of the law. They do not challenge either its existence, its binding force, or its necessity. Tons of "white," "yellow," and "red" books, and thousands of tracts and pamphlets are sent to the neutral nations to show ameliorating circumstances and matters in extenuation or justification.

With some degree of particularity I have sketched in this paper the origin of international law, its development along lines analogous to the municipal law of states, and its necessity arising from the continually increasing commercial and social intercourse of nations. I have failed in my purpose if a consideration of this evolutionary growth with its accumulated body of unwritten but recognized customary law; with its already large body of written and codified law; with its fully developed machinery for international legislation, both dynastic and regulatory in character; with precedents of conferences and congresses which have considered and determined international questions as embarrassing and difficult as any that can arise in the future,—I have entirely failed in my purpose in this recital if it is not sufficient to convince the thoughtful that it is impossible that all this should be abandoned and lost.

In this hour we may well recall the oft-quoted and majestic words of Richard Hooker, spoken over three hundred years ago, but which will live as long as the English language endures. "Law," he said, "has its seat in the bosom of God," and its "voice is the harmony of the world." It is not a mere poetic figure to ascribe the origin of law to the Ruler of the Universe, for the attributes of law and order are planted deep in the very constitution of all created things. Neither is it merely rhetoric to describe law as the harmony of the world; for without it there is nothing but discord and chaos.

He must be easily disheartened who does not see that never before since the dawn of civilization was it more apparent that the rule of law must govern the nations and not the rule of might. All over the globe men are studying as they never studied before how they may protect the peace of the world by the restraints of law. Never was it so apparent as now that we must govern by law or universal anarchy will destroy civilization by a deluge of murder and rapine. At the close of this awful era of carnage and slaughter the makers of war will be classed as the arch criminals of the age and be covered with the contempt of mankind and the maledictions of history. Especially should no lawyer utter a word in disparagement of international law. As

never before he should be its student, its lover and its strong supporter; for in it and it alone lies the hope and promise of the future.

DUTY OF THE UNITED STATES

The inquiry is now ever recurrent with American citizens as to what is our duty to ourselves and to the belligerents during the present war; how can we aid to bring it to a close, and what can we do to prevent such wars in the future?

It is clear that during the war we must suffer, as all the neutral world must suffer, many infractions of our rights. In protesting them, and demanding reparation for them, there is only one straightforward course to pursue. That is to adhere absolutely to the established rules of international law. On that sound foundation we can stand without fear and without reproach. It is a source of gratification and pride to all patriotic American citizens that such a course has been the adopted rule of the present administration. In support of such a policy we can all be united.

If in the future our rights should be invaded by the belligerent powers as they have been in the past, we should protest and demand reparation as we have done so far in our diplomatic negotiations, with constant insistence on a scrupulous observance by the belligerents of our rights as neutrals under the admitted and established rules of international law. This will doubtless be unsatisfactory to both belligerent parties, who claim that the extraordinary magnitude of the present war, and the transcendent interests involved warrant them in making their own rules in their own interest. This we must continually challenge and oppose, no matter what may be the view of such a course by either or both parties to the conflict. The adverse view of the present, born of the passions and terrors of the hour, we can safely meet, confident that when the time of sober reflection comes our course will be understood, and if not approved will be at least justified.

That such a course will lead to war I cannot believe. I do not imagine the possibility of a purpose on the part of any belligerent

power to deliberately insult or intentionally injure the United States. And in my view it is inconceivable that the American people will authorize or justify an appeal to arms for anything less than an intentional assault on our national honor or our national integrity.

HOW CAN WE AID TO BRING THE WAR TO A CLOSE?

To the inquiry, how can we aid to bring the war to a close, it must be answered, we can do very little. We would welcome intervention for that purpose, but such action can come only upon the invitation of the belligerent powers, and that is very unlikely.

It has been suggested that if we would declare an embargo on arms, ammunition and other supplies we might hasten the end. This is manifestly now practically impossible; and perhaps unwise if possible. Personally I favor the adoption of the policy of never selling arms and ammunition to one nation to be used against another nation with whom we are at peace. But such a policy should have been adopted at the commencement of the war, and would require the action of Congress. It is not practicable to secure such action now. Neither would such coercive action probably be wise. It might now excite resentments that would defeat the very object desired. It is a mistake, however, to hold that because international law allows the citizens of a neutral state to sell arms and ammunition to belligerents, that good faith and an adherence to the law requires that it shall do so. A neutral nation has a perfect right either to allow or to prohibit such sales. It is purely a question for the neutral state to decide for itself, as it shall determine what shall be its wisest policy. In my judgment in determining that policy a distinction should be made between selling arms and ammunition to be used offensively against a nation with which we are at peace, and the sale of foodstuffs and supplies which under any circumstances we would be justified in furnishing to any nation in need.

WHAT CAN WE DO TO PREVENT SUCH WARS IN THE FUTURE?

To the inquiry, what can we do to prevent such wars in the future, we may answer in a general way, by strengthening and

bettering international law; by ourselves adhering to it and appealing to it no matter how much it may seem at the time to run counter to our inclinations and our interests; by providing tribunals to interpret and apply it to cases as they may arise; and by securing, either by friendly pressure or coercive measures, first an appeal to peaceful arbitration, and second, acceptance of the judgments of such a court.

It is probable that at the close of the present war the parties engaged in it will settle its territorial and dynastic features by a conference or congress, such as determined such questions at the close of the Thirty Years War by the Congress of Westphalia, and such as settled the issues of the Napoleonic wars by the Congress of Vienna. In such a congress we shall not be parties, for none of our interests will be immediately involved.

But following that, of necessity, and because of a universal demand, the Third Conference at The Hague must be convened. At this great regulatory congress of the nations which must revise the rules of both land and naval warfare, and which must consider the questions which shall make future wars unnecessary and impossible, we shall have a part. We are justified in the belief that it will be no inconsiderable part. The moral influence of the foremost nation of the world, almost every one of whose hundred millions is not only desirous but determined and importunate in demanding that wars shall cease, must be a potent if not determining influence in securing such a result.

It is interesting and hopeful to consider how again and again during the ages humanitarians have proposed and urged the adoption of plans to end wars between the nations. Some of them are worthy of brief reference here. Immanuel Kant, the greatest of German philosophers, in the latter part of the eighteenth century, proposed a plan which he believed would end war. It contemplated a confederation of the European states, under a federal constitution something like our own, and acting in international affairs through Congresses to be held from time to time. Jeremy Bentham, one of England's greatest jurists, near the same period, proposed a plan under which a Congress of deputies should be formed, two from each state, which should determine

international disputes, and the decrees of which should be enforced against any state that might resist them by the combined power of the rest. As one of the preliminary conditions he required the reduction of military establishments.

It is interesting to observe that the fundamentals of both these proposals have been already obtained and now exist in The Hague conferences. If but the spirit of Kant, the German, and Bentham, the Englishman, when this war shall cease, would animate their countrymen to a like desire and purpose, with the coöperation of the United States, the day might speedily come when swords should be beaten into plowshares, and spears to pruning hooks; when the

War drums throb no longer and the battle flags are furled
In the Parliament of man, the Federation of the World.

The era of perpetual peace has been the dream of the poet and the theme of the philosopher throughout the ages. Tennyson sang of the golden year when,

. . . . all men's good
Be each man's rule, and universal peace
Lie like a shaft of light across the land,
And like a lane of beams athwart the sea,
Through all the circle of the golden year.

Will the day ever come? Yes. Its dawn will ere long brighten the East. The darkest hour that ever the world has known shall pass, and a new day come with a larger hope and a greater blessing. To believe otherwise is to dethrone God, and to deny the beneficent ordering of the affairs of men.

At this time, 12 M., an adjournment was taken until 2 o'clock P. M.

THURSDAY AFTERNOON SESSION

2 O'CLOCK, P. M.

THE PRESIDENT: The meeting will please come to order. The first matter of business of this session will be the appointment of a Committee on Resolutions, and I will name as that committee: L. G. Hurd, of Dubuque; Justice H. E. Deemer, Red Oak; D. D. Murphy, Elkader; C. G. Saunders, Council Bluffs; J. O. Crosby, Garnavillo.

I will again call attention to the matter of a Judiciary Building, which is perhaps the most important matter the meeting will have before it. I will ask the chairman to make a further report.

JUSTICE DEEMER: Your Special Legislative Committee hasn't very much to report concretely. We had some valuable experiences, in which you probably would be interested. We presented the matter to the Legislature and everybody said it was a good scheme, but they asked, does this involve the payment of more taxes, if so it is not an opportune time. We however educated a few of them and better still, we headed off an office building proposition. That is about all we could accomplish. We feel, however, and want to recommend this afternoon that the committee should be enlarged, or that a new committee be selected, composed of one member from each congressional district; and that we immediately inaugurate an educational campaign to secure this Judiciary Building for the State.

So then our recommendation will be, that the committee be continued and enlarged to consist of one member from each congressional district and that we instruct this committee to initiate a campaign to secure the results at which we aim. These results can hardly be over-estimated. We have a library that cost as much as a half a million dollars, subject to destruction any minute. A great deal of it cannot be replaced, because the books are out of print. The galleries are constructed of wood, with air

chambers from floor to ceiling. If a waste basket should be standing close to one of these air chambers, and a fire started by a cigar stub or in some such way, it would soon destroy the entire library. My own judgment is that the books in that library alone could not be purchased at this time short of three-quarters of a million dollars. Aside from that, we now have seven Judges of the Supreme Court, and there is no private room for one of them. He is housed temporarily upstairs in one of the committee rooms and when the Legislature is in session there is no place for him. We think the only solution will be to let the administrative officers occupy one building, and that the State House, and that the State build a new building for that separate department of the government, known as the Judicial.

There can be no question as to what we ought to do. Let me warn you, unless we get busy, instead of having a Judiciary Building, we will have an Office Building, occupied by the Board of Public Health and the Food and Dairy and other Commissions. We think the hazard alone is sufficient to demand this.

THE PRESIDENT: What has the Association to say in regard to this suggestion?

MR. C. H. VAN LAW: I move the adoption of the recommendations of the committee.

(The motion was duly seconded.)

MR. L. G. HURD: I do not know when it is the appropriate time to make remarks upon this subject, but pending this motion, I understand, from a parliamentary standpoint, is the appropriate time.

I do not believe there is any subject that can come before this Association that is as important as this one. I think the State needs a Judiciary Building more than anything else. I think the work in connection with it, especially the educational work, must be done by the lawyers, and I think it must start from the bottom. When you go before any member of the Legislature, or any taxpayer and talk to him about building a building, he thinks he is asked to build it himself. I speak from experience.

In the years that I have been in Dubuque, up to a few years ago, we had an old ram-shackle court house, built in the forties. The old building was absolutely unsafe. The only safety for the records was an understanding with the people living in the vicinity that, if ever a fire broke out in it, they were to break in the windows of the Auditor's, Recorder's, Treasurer's and Clerk's offices and throw their books into the yard. Whenever a new court house was suggested, every taxpayer in the county felt that he was expected to put his hand in his pocket and build it himself, and the reply always was: "If the fellows that have the offices in the court house don't like them, they had better resign; there are plenty of others who will take them." It kept getting worse all the time. Finally, some rather young men came on the scene, who belonged to the dominant party. We had a little meeting, and one of them said: "It is in our hands to do this work, and the way to do it is to figure out, in round numbers, how much the court house will cost, either per capita or per dollar of tax. Then go out in the county, hold our caucuses, and talk new court house. Ask each objecting taxpayer, 'How much were your taxes last year?' And when he answers, reply to him, 'The new court house will cost you only so-and-so much.'" The plan worked, and we spent \$200,000 for that court house.

Now, let a committee start a campaign just as soon as they get ready for it, or any time before the members of the next Legislature are elected, and flood them with literature, setting out the dangers to this library, and the importance of the judiciary system of this State; explain to the taxpayers what proportion of the average tax goes to support the courts, and the value of the records and library; then figure out about how much it will cost each man, and hammer that into the members of the Legislature. It will have to be done systematically and thoroughly and without delay. A whole lot of information will have to be gotten ready and those fellows ought to be circularized. I believe by that system of education you can get this building which we all know the State needs.

ATTORNEY-GENERAL COSSON: I just want to call attention to

one very important fact in this discussion and that is that there is enough money left over out of your Capitol Extension appropriation to build this entire building and you will not have to raise an additional dollar. I suggested that to the Governor last winter, but he thought it was better not to try it at that time.

If you ask for an appropriation of \$750,000, it will cost \$.0075 for each acre of ground, or on a general average over the State, \$1.14 for each quarter section. From now on, it is only one-third or one-fourth of that. I think if the committee looks after that and the Legislature understands there is already enough money, there ought not to be any trouble at all.

JUDGE W. R. LEWIS: I want to say openly that I am one of those in favor of an additional building. There will have to be an expenditure anyway, as all the occupants of this building are quarreling for quarters. There ought to be a good Judiciary Building, and the way to do it, in addition to what has already been suggested, is to commence at the beginning, when the Representatives and Senators are to be elected, and elect the men who agree to this proposition. If they do not agree to do that, do not elect them. That will be the surest way to get it.

JUDGE M. J. WADE: I think the committee ought to also emphasize that we will not have to buy any ground on which to put it. I want to go a little farther than my friend Judge Lewis. I think this question is big enough and important enough, not only for the present, but for the future, to get it into the platform of the respective political parties. That can be done by this committee, acting in a quiet and earnest way, and in that way it will be given that publicity and force which it can have in no other way. If it can be put into the platform, there will be no trouble about getting it through the Legislature, and I think that is the way to get it.

MR. WM. MCNETT: As this is so important a matter and ought to be made public over the State, I feel that instead of having a representation on the committee for each congressional district that we ought to have a representative for each county in the

State. It is customary to elect a Representative from each county in the State, and if we are going to make this a political issue, he could represent the people of the county. Our congressional district is quite large, composed of a great many counties. It seems to me impossible for one representative of the entire district to properly take care of the work. I feel like offering an amendment to Justice Deemer's motion, giving the committee representation from each county in the State, to the end that they may more forcibly and intelligently present it to the people of the State.

THE PRESIDENT: With respect to Mr. McNett's suggestion, how would it do to have the district committee-man call to his assistance some one from each county in his own district?

JUDGE WADE: I think that was the intention of the motion, that the committee be authorized to call to their aid as many persons in the district as seems advisable. I think we had better leave the committee as suggested.

JUSTICE DEEMER: I will modify my recommendation to include Judge Wade's suggestion, and move now that the committee be enlarged by the selection of one member from each congressional district, and that such committee shall call to their aid members of the Bar from each county.

The motion was duly seconded and carried.

THE PRESIDENT: Before proceeding to the election of these members, which can be done at the same time the Executive and Nominating Committees are named, I wish to call attention to a matter with respect to the committee appointed a year ago, concerning the Torrens Land Title System of land registry. The chairman of that committee is Mr. O. P. Myers, of Newton.

MR. O. P. MYERS: Your committee wishes to make a suggestion. Yesterday I received a communication from a committee of the State Abstracters Association, suggesting that that committee or a portion of it would be present and would like to meet with your committee in this Torrens land matter before we made

a report. We, of course, wish to extend every courtesy we can along these lines, and while we have our report ready, we thought we would present this matter to you, to decide whether we had better have a discussion with that other committee first. We have no authority now to meet with any other committee for any purpose.

MR. M. F. HEALY: I move you that the report of the committee be deferred until morning.

The motion was duly seconded and carried.

THE PRESIDENT: It will now be in order for the members of the Association from each Congressional District to meet together and elect one member for each of the following committees: the Executive Committee, the Nominating Committee, and the Committee on the Judiciary Building. The Nominating Committee and the Executive Committee will be expected to report tomorrow.

The members of the respective Congressional Districts met and elected the following members of the respective committees:

EXECUTIVE COMMITTEE

First District, Harold J. Wilson, Burlington;
Second District, J. F. Devitt, Muscatine;
Third District, M. F. Edwards, Parkersburg;
Fourth District, C. W. Reed, Cresco;
Fifth District, F. F. Dawley, Cedar Rapids;
Sixth District, W. G. Clements, Newton;
Seventh District, W. G. Harvison, Des Moines;
Eighth District, P. C. Winter, Creston;
Ninth District, George Cosson, Audubon;
Tenth District, A. N. Boeye, Webster City;
Eleventh District, C. C. Bradley, LeMars.

NOMINATING COMMITTEE

First District, T. L. Brookhart, Washington;
Second District, N. D. Ely, Davenport;
Third District, J. A. Rogers, Clarion;

Fourth District, J. H. McConlogue, Mason City;
Fifth District, B. F. Cummings, Marshalltown;
Sixth District, J. A. Devitt, Oskaloosa;
Seventh District, John B. Sullivan, Des Moines;
Eighth District, L. H. Mattox, Shenandoah;
Ninth District, E. W. Weeks, Guthrie Center;
Tenth District, E. G. Wilson, Jefferson;
Eleventh District, O. H. Montzheimer, Primghar.

JUDICIARY BUILDING

First District, E. W. McManus, Keokuk;
Second District, H. M. Havner, Marengo;
Third District, C. W. Mullan, Waterloo;
Fourth District, H. E. Taylor, Waukon;
Fifth District, C. H. Van Law, Marshalltown;
Sixth District, Henry Silwold, Newton;
Seventh District, Edward F. McCall, Nevada;
Eighth District, Claude R. Porter, Centerville;
Ninth District, H. E. Deemer, Red Oak;
Tenth District, R. M. Wright, Fort Dodge;
Eleventh District, E. A. Helsell, Odebolt.

THE PRESIDENT: We will now have the pleasure of listening to the Annual Address of the occasion, to be given by the distinguished jurist, with whose textbooks most of us, if not all, are familiar; a gentleman who has held important positions under both his State and the Federal Government, having served as Chief Justice of the Supreme Court of Minnesota, and Chief Justice of the Supreme Court of the Philippine Islands, and also as a member of the Philippine Island Commission, appointed by the President of the United States, and standing in the position in these Islands as the Senate does in this country. The title of his subject is "The Lawyer as a Craftsman." The distinguished jurist is not unknown to the members of the Association. He may take some pride to himself that he is a University of Iowa man, Judge Charles B. Elliott, of Minneapolis.

THE LAWYER AS A CRAFTSMAN

We will all agree that there are many flattering things that I might say of the lawyer. I ask your indulgence if I pass them by and request consideration of certain matters in which some of us seem to fall below the standard.

I trust you will not quarrel with my implied designation of our learned profession as a craft. I use the word in its broadest sense as an organization of master workmen. A craftsman is one skilled in the practice of any trade or profession that requires the exercise of special dexterity of hand, eye, or brain. He is an artist in ways and means, a deviser of appropriate and efficient instrumentalities. His training appears as well in his mastery of the tools of his occupation as in the finished product of his labors. The designation craftsman thus suggests skill in methods, in the devising of ways and means, in perfect command over instrumentalities. Justinian and Napoleon in building codes, lawyers in devising rules of procedure and in drafting statutes, ordinances, and contracts are in the broadest sense as much craftsmen as the workers in gold, silver, and marble. A code or a statute may be so perfect in form, proportion and finish as to be properly termed artistic and its author a skilled workman. My question is, are we as lawyers entitled to the designation craftsman? Are we the masters, or the slaves of our working tools?

A certain essayist who deals much in paradox says that as the public is not much interested in the simple truth it is necessary first to shock it into antagonism by overstatement and then to meet the indignation of the audience with a graceful retreat to the line which is to be defended. Thus he informed his audience that dogs are more moral than men and quieted an incipient riot by explaining that of course he meant according to their lights and opportunities for moral instruction. With that precedent and reservation in mind I assert that the average lawyer is not a craftsman but the commonest sort of an unskilled workman. As Justice Shallow remarked of Falstaff's new recruit: "He is not his craft's master; he doth not do it right."

The sovereign people declare certain fundamental laws and delegate to a designated body the duty of enacting laws within

designated limitations. This fundamental law creates the Judiciary and charges it with the duty of construing and declaring the law and the rights of individuals in litigated cases. It can neither make nor enforce a law. After it has spoken the executing power must enforce its decrees.

This adjudicating agency of the state is constituted entirely of lawyers. Almost every part of the mechanism of the organization is the work of lawyers. It is a vast machine engineered and operated by lawyers. Every lawyer is an official of the government, an officer of the Court. This identification of the Bar with the government of the state imposes upon its members duties from which lawyers in other countries are exempt. In Continental Europe the judges are educated from youth for the judicial career. They are not, never have been, and never will be members of the Bar. They are highly trained administrators, learned in the laws which they administer. They are scientific in thought and efficient in action. The Bar is a distinct body of trained men who are very active and influential in public affairs. Many are journalists as well as attorneys. In France, Germany, Italy, and Spain, the majority, probably, of distinguished lawyers are also well known authors. They are imbued with the sense of form and distinction of expression which is manifested in their legal literature. The Code Napoleon and the several Spanish codes are the finished work of careful thinkers, artists in words, skilled craftsmen.

In England the judges are selected from the barristers so that Bench and Bar have the same initial training. But when an English lawyer ascends the Bench he leaves the Bar forever. Owing to inherited traditions, racial characteristics, and a permanent tenure of office, the English judges maintain perfect control over the judicial system. The machinery is quite simple and very efficient. The Bar controls its own membership and governs it with a firm hand.

This identification of Bench and Bar has certain advantages over the Continental system but it is doubtful whether it makes for efficient administration. In this country the system of selecting judges for short terms by popular vote weakens judicial

control. In selecting candidates under the primary system we put our simple faith in the law of chance and the kindness of an ever watchful Providence. These methods, the evil effects of which are overlooked and endured amidst the general prosperity of a new country, will not avail after government has reached what the farmers call the intensive stage. As we are rapidly approaching that period in this country it is well to examine our methods. We cannot hope under our system ever to reach the precision and efficiency of certain foreign systems of jurisprudence. For it, we are not willing to surrender other things which we believe of greater national value.

Any close observer of the working of the machinery of the governments of the world will say that on a scale of inefficiency the United States ranks next after China. I am aware that this is shocking and like the assertion as to Fido's morality, requires explanation. I mean that we, as a people, pay more in money and effort for the performance of less efficient services by public servants than any other Occidental people. And it is an interesting fact that, from force of habit, we continue to point with pride to the ragged results. The explanation is simple. As an English acquaintance once said: "You people have been so blooming prosperous with your new prairies and new mines that you have never had to consider ways and means." The time is coming, in fact has arrived, when we must cease plowing round corners. In the words of Kipling, it is about time for

. gettin' done with mess,
Gettin' shut o' doing things rather-more-or-less.

The American government was created by lawyers and they have had general control of its operation. One of the three great departments is entirely in their hands and they have very naturally always exercised a large, if not controlling influence in the making of laws. It would be interesting to trace the distinct results of that influence in the organic laws and legislation, but time restricts me to a much more modest field of investigation.

How skillfully have the lawyers devised, shaped and used what we may call the instruments of their profession? Among these I

include codes, statutes, rules of pleading and practice, and generally the means for regulating the routine work of the courts and the preparation and use of judicial decisions. These are matters which have been left very largely in the hands of the legal profession.

A code is in one sense a working tool and its value is determined by its compactness, accuracy, and adaptability. No Englishman working in England has ever made a very good code and got it enacted into law. Tradition and environment have always been too strong. The native capacity for getting fairly good results with inefficient tools has generated a sort of national contempt for scientific methods. In the colonies, however, they have been more successful. In India Lord Macaulay prepared a code of which Sir James Fitzjames Stephen said:

It is practically impossible to misunderstand the penal code and although it has been in force for more than twenty (now fifty) years and is in daily use in every part of India by all sorts of courts and among communities of every degree of civilization and has given rise to countless decisions, no obscurity or ambiguity worth speaking of has been discovered in it.

But England herself continues to prefer the glorious uncertainty of the common law to anything against which can be lodged the damning charge of being scientific and theoretical.

American codification has not been very scientific. Most of our so-called codes are merely revised statutes hastily thrown together by commissioners anxious to get their copy printed in time for the next session of the legislature. After adoption they have soon been buried beneath amendments. Before adopting the Minnesota Revised Laws of 1905 the Legislature made more than a thousand changes in the text which had been submitted by the Commissioners.

I cannot stop to speak of the great Code Napoleon which is the foundation of the present law of Continental Europe. The Spanish civil codes which are in force in the Philippines and Porto Rico are the results of the prolonged labors of many trained jurists. They are scientifically arranged and perfectly analyzed. They are compact, intelligible, and free from serious ambiguity. Civil as distinguished from political rights are carefully stated and protected. That the humane and enlightened

provisions of these codes were often if not generally badly administered, detracts nothing from the workmanlike manner in which they were constructed. As working tools of a busy profession these codes are almost perfect. I have here a copy of the Spanish Civil Code for your inspection. It measures $4 \times 5\frac{3}{4}$ inches and is printed on paper as good as that ordinarily used for state reports. It weighs eighteen ounces. This little volume contains in addition to the 1976 sections of the civil code with the amendments to 1909, full notes and references to decisions of the Supreme Court of Spain; several appendixes, and a minute alphabetical index.

The Minnesota General Statutes of 1913 in one volume weighs eight pounds. Your Iowa code cannot be less in magnitude or less inconvenient in form. Is our law better because it weighs more or does it weigh more because its draftsmen are unable to analyze and condense material and express their ideas with precision?

Now as to the statutes. Generally speaking they are a mass of verbiage, repetition, contradictions and bad grammar for all of which lawyers are primarily responsible. Our legislative bodies as a whole are so indifferent or inefficient that they will not provide for skilled draftsmen. Bills are constantly introduced and passed exactly as prepared by some constituent with an ax to grind. Many of these crude bills cause infinite trouble for the courts.

Many of the laws enacted by Congress are subject to the same criticism. Those of you who have wrestled with the income tax law with its collection of *provisos* will require no further illustration. To get the meaning you must begin at the end of a section and climb to the beginning up a ladder of "provided" and "provided further" and when you reach the top you are so dizzy that your vision is uncertain. Section 2.G.(a) of that statute consists of one sentence of fifty-four lines with one "provided," one "provided further" and one "provided however." Section 2 G.(c) meanders over four pages of solid print. There are three sentences, one containing one hundred and eighteen lines and the only rest houses are the "provisos." Such slovenly

draftsmanship is a disgrace to men who pretend to a knowledge of their mother tongue.

It would be interesting to know what proportion of the time of the courts is devoted to litigation caused solely by badly drawn statutes. During the last session of the Minnesota Legislature the Governor returned several bills without his signature for the reason that the language in which they were written was unintelligible.

I pause only a moment to speak of the modern rules of pleading. From the extremes of technical nicety required by the old common law pleading, we have gone to the other extreme. In my State, and possibly in yours, the pleadings often resemble informal conversations between counsel. Amendments are allowed almost as of course. The rule is, "If at first you don't succeed, try, try again." It costs nothing as the disciplinary effect of costs is seldom experienced.

Rules of practice, designed to secure orderly procedure and expedite business, are like the Constitution, not often permitted to seriously disturb the relations of friendly counsel.

Theoretically, the presiding judge of a court of first instance controls the trial. Practically, he often resembles the moderator at a town meeting. The lawyers run the case and if the court interferes they mutter of judicial usurpation with side remarks about the next election. I do not desire to exaggerate or to generalize from insufficient data. But are we not all familiar with such situations? Judges are human, sometimes very human indeed, and a system which renders them averse or unable to exercise their legitimate powers, must have great compensating advantages to justify itself to the community. The cold fact is that jury trials are often but grotesque images of that ideal bulwark of our liberties which we were taught to reverence. They are a great waste of time and public money. Where there is no temptation to pervert it the system works very satisfactorily. But sensational cases illustrate the inability of some judges to withstand the pressure imposed by strong counsel. The lawyer and the expert witnesses run away with the case. To our credit be it said that this does not often happen in this part of the

world. It is an undoubted fact that justice is administered more efficiently in the middle western States than, for instance, in New York. We never turn our courts into vaudeville shows or political conventions. It is true that trials such as that of Thaw are exceptional even in New York but foreign public opinion accepts them as typically American. In either Minnesota or Iowa that case would have been tried and the defendant convicted within a week. I cannot conceive of any court in either of those States permitting such a massacre of the law of evidence as occurred in the recent case of *Barnes v. Roosevelt*. Our western courts are not always highly efficient but they are infinitely superior to those of New York City.

The value of efficiency in government is relative. It may be policy to exchange a measure of expert control for something which is of even greater value to the community as a whole. Every modern colonizing power except Germany recognizes the soundness of this policy by conceding a measure of self-government to the natives. Our government in the Philippines is probably more efficient than that of any State of the Union, but it could be made more so by eliminating native participation. However, this is undesirable because the development of a self-governing people is the primary object of the existence of that government and for that we are willing to pay a price in loss of efficiency. Our jury system is cumbersome and expensive and the results are often unsatisfactory. It involves a loss of time and an unreasonable expenditure of money, but we adhere to it because of its educational and governmental value. The people are enabled to take an active part in the administration of justice and for this they are willing to pay the price which it exacts. But the question is, do we handle the machinery so as to reduce that price to the minimum?

The law Reports loom large in the vision of the legal profession. We have created them. Does the way in which we have allowed ourselves to be submerged by them speak well for our ability to control the agencies of our business? This Frankenstein which we have constructed to serve as a useful instrumentality, has become the master of its creators. When I think of the ghastly

burden which, for the benefit primarily of the publishers, we bear with such hopeless patience I am overwhelmed with a sense of amazement.

I do not underestimate the value of the Reports or the importance of the principle of *stare decisis* upon which they have grown. I am speaking of abuses. An instrument designed to insure certainty and publicity has become the parent of all uncertainty. The profession is within the grasp of a giant octopus and in danger of being smothered by its clinging tentacles. Our taskmasters, the law publishers, inform us that there are now over seven hundred thousand (700,000) reported cases "directly applicable to particular legal questions in hand" and that by skillful analysis they have been able to arrange them in one hundred and twelve thousand groups. There have been approximately three million "points of law" decided by the American courts which can be easily found classified under these one hundred and twelve thousand groups. Think of it, gentlemen. Every man must at his peril know the law. What a pitiable farce it has become and who is responsible. These are the tools of our craft, the instrumentality with which we do our work. Was there ever a more colossal abuse permitted to go unremedied? We recognize the evil and yet we slave to acquire money with which to purchase these volumes and pay for *bodegas* in which to store them, as the Chinese store the tablets containing the footprints of their blessed ancestors.

The doctrine of *stare decisis* lies deeply imbedded in the history of the Anglo-Saxon civilization. The world has developed two great systems of jurisprudence, the Civil or Roman and the Common or English Law; and that which most distinguishes the one from the other is the weight and importance attached to the decisions of the courts as precedents. In the former precedent has played a relatively unimportant part. In the latter it has been and still is the controlling principle. The different views which have prevailed as to the value of precedents induced profound and radical difference in the two systems. In the Civil Law each case is in theory determined by the judge according to his personal conception of the natural and moral rights involved in

the particular case. The Civil Law never took deep root among English people although they freely adapted many of its just, beneficent, and equitable principles. The student of the Common Law who is familiar with the Civil Law is at first surprised to find the number of fundamental principles which are common to both systems. But this means little more than that seekers after the principles of right and justice generally reach similar results although working under different conditions and influences.

English and American courts, judges, and lawyers have always been skeptical as to the value of the theory of natural justice as a working principle in the administration of the law. It, to a certain extent, substitutes the individual judgment for the law,—the rule of men for the fixed and predetermined rule of law. Individuals view questions of right and wrong from the different angles of their varying personalities. To use a classical illustration, the reason of Titus often differs from the reason of Septimus. All writers on the Civil Law recognize this weakness in the system. Thus Savigny says that:

When a case is submitted for a decision to one unskilled in law he will generally decide it according to a confused impression of the whole; and nevertheless, if of sound sense and decided character, will believe himself very sure of his point. It will, however, be very much a matter of chance whether a second person of like qualities will give the same or opposite opinion.

Under our system we see this illustrated in jury trials. A different conclusion is reached by different juries on substantially the same facts. A wins and B loses because different juries have different conceptions of the justice of a particular claim. So the conception of what is abstractly right often leads a jury to take the bit in its teeth and disregard the instructions of the court upon the question of law involved.

Men trained in the Common Law feel that the Civil Law is unstable and unsuited to the genius of a people which has in some degree been willing to sacrifice abstract justice to secure reasonable certainty. As said by Sir Henry Maine, one of the race qualities of the English character is the capacity for apply-

ing and working out the law at the cost of constant miscarriages of abstract justice, without at the same time losing the hope or the wish that the law may conform to a higher ideal. After referring to the development and decay of ancient systems he says:

The community which never hesitated to relax the rules of written law whenever they stood in the way of an ideally perfect decision on the facts of a particular case would only, if it bequeathed any body of judicial principles to posterity, bequeath one consisting of an ideal of right and wrong which happened to be prevalent at the time. Such a jurisprudence would contain no framework to which the more advanced conceptions of subsequent ages could be fitted. It would mean at the best but a *philosophy* marked with the impression of the civilization under which it grew up.

It is hardly necessary for me to say to this audience that the system of jurisprudence which was developed in England and transmitted to us as a part of our legal heritage was constructed upon a different theory. In the Common Law every presumption is in favor of the correctness of a decision which has been made by a judicial tribunal acting within its jurisdiction upon issues properly and regularly presented to it. This instinct to adhere to what has been determined and established like all things which are good has been frequently abused. Great judges have felt themselves bound by precedents to a degree which to us seems evidence of intellectual slavishness. And yet in times when all things were in solution even such extreme views had their value. The judge, the individual, the man, was lost in the law, and undue adherence to the wisdom of ancestors is often less harmful than the iconoclastic spirit which would destroy all that is ancient for no better reason than the fact of its antiquity. The modern doctrine which controls the courts in the use of precedents is thus stated by Lord Tenderton:

The decisions of our predecessors, the judges of former times, ought to be adopted and followed unless we can see clearly that they are erroneous, otherwise there will be no certainty in the administration of the law.

Our courts, while not yielding blind obedience to the past, recognize the obligation to respect and adhere to their former

decisions unless they are clearly and manifestly erroneous or no longer adapted to the changed conditions of society.

Where this doctrine of precedent prevails the decisions of courts of final and controlling jurisdiction must be preserved and published in order that the law may be known to the Bench and the Bar. In many States there are statutes which require the decisions of the appellate courts to be rendered in writing and to state the reasons upon which they rest. This latter provision has been held beyond the power of the legislature because no legislative mandate can control the reasoning faculties. It was Lord Bacon who said:

Let not the judgments of the courts be given in silence but let the judges produce their reasons openly and in full audience of courts so that what is yet free in power may be limited by regard to fame and reputation.

Edmund Burke, one of the wisest and most philosophical of English statesmen, said:

To give judgment privately is to put an end to reports; to put an end to reports is to put an end to the law of England.

And Lord Brougham said that:

All courts ought to sit and give their judgments in public and the fullest liberty should be given to the publication . . . of their proceedings.

Judge Dillon, a great lawyer of whom the State of Iowa is justly proud, after discussing the problems involved in the multiplicity of decisions came to the conclusion that the advantages overbalance the evils. He says:

Publicity is a restraint upon judicial tyranny, oppression and corruption both in its grosser and subtler forms. . . . The discontinuance of the salutary practice of giving reasons openly is justly regarded as one of the worst inventions of the judges of the Stuart period.

If written opinions are to be rendered—and upon this we all agree—they must be published in such form as will render them accessible and available for use. The recognition of this fact has produced a line of decisions which exist in unbroken continuity from the time of Edward I in the twelfth century, and in which

is embodied the record of the life, civilization, and progress of a that time grown from a low to a high degree of civilization.

But the bulk of these reports is appalling and unless something is done the structure must fall of its own weight. Lord Coke states that in the reign of King James there were fifteen books or treatises on the law, and as many volumes of reports, digests, and abridgments and acts of parliament. Chancellor Kent informs us that in 1826 a reasonably complete library of English law, exclusive of statutes, would make six hundred and forty-eight volumes of which three hundred and sixty-four would be reports. At that time there were two hundred volumes of American reports. By 1839 these had increased to five hundred and thirty-six volumes. Even then lawyers were becoming restless and fears were entertained that the system would break down under its own weight. In the first edition of his *Commentaries*, Chancellor Kent wrote that:

The reports of judicial decisions contain the most certain evidence and the most authoritative and precise applications of the rules of the common law. Adjudged cases become precedents for future cases resting upon analogous facts and brought within the same reason; and the diligence of counsel and the labor of judges are constantly required, in the study of the reports, in order to understand accurately their import, and the principles they establish. But to obtain a competent knowledge of the common law in all its branches has now become a very serious undertaking, and it requires steady and lasting perseverance in consequence of the number of books which beset and encumber the path of the student.

By 1870 the American reports had increased to two thousand and twelve volumes. In 1894 Judge Dillon estimated the English reports at three thousand volumes and the American at not less than that number, while both were increasing at the rate of one hundred and fifty volumes per annum. It is difficult to ascertain the exact number of volumes of American reports in existence at the present time. Including the reporter system, there are approximately eleven thousand volumes. The English reports number about five thousand. In neither instance do these figures include numerous reprints. The American reports are increasing at the rate of about two hundred volumes annually. During the last ten years two hundred and fifty thousand cases have

been reported. During the last twenty-five years the case law has doubled. The English reports increase much less rapidly owing to the fact that in this country we have more than fifty courts of final jurisdiction as against the more centralized system of Great Britain. The reports of the British Dominions and colonies are very numerous. The Philippine Reports have already reached twenty-five volumes notwithstanding the fact that the court deals largely with the Civil Law.

The result is to say the least an embarrassment of riches. A century ago Bentham, a bitter critic of the Common Law, in commenting upon the valuable matter comprised in the body of the English law said that:

If one were to traverse the whole continent of Europe and ransack all the libraries belonging to all the jurisprudential systems of all countries, and add their contents together, he would not be able to collate a mass of cases equal in clearness, variety, amplitude, or instructiveness, to the body of the law then contained in the printed reports of English Decisions.

As noted by a recent commentator, if that could be said in Bentham's day much more true is it now that the greatest jurisprudential wealth of all other nations combined is the veriest penury when compared with the material comprised in the decisions of the American and English courts.

I am always tremendously impressed by a great law library. Pause for a moment and let your minds dwell upon what is contained in these stupendous records of human activity. The mind cannot grasp the magnitude and intricacy of the events out of which these reported cases grew. Think of the tragedy, the pathos, and the comedy written in these volumes, "these records of competitions, factions, and defects" which make up the drama of human life. The love of power, the fierce struggle for wealth, the delusions of self-interest, the subtle devices of fraud, and all the melancholy perversions of human talent find here their illustration.

The range of events is restricted only by the limitations on human activity. Carlisle defined the courts as the chimneys through which the deviltry and contentions of men make their escape. The record is here. There is nothing so lofty or so petty

that men have not struggled for it with their fellows. As we turn the pages of these Reports we find now great nations contending before an august international tribunal while stupendous navies strain at the leash and the world waits the issue with bated breath. Turn but a leaf, and we hear a neighborhood quarrel jangling its way through the courts. Within these somber covers reposes rich material for the scientific student of jurisprudence. These cases constitute the laboratory of the legal scholar. The collection is to him what the museum is to the scientific student. From the myriad of single instances he seeks with indifferent success the underlying principles which control the actions of that strange animal man in association with his fellows. He may there study his habits under the varying conditions of the past as Darwin studied the fauna and flora of the natural world. The scientist does not complain of the number of specimens which invite his study; rather he glories in the richness of the field thus spread out before him.

The stately structure of our jurisprudence rests upon decided cases. Each decision is a new stone for the building of the Palace of Themis. Thus has been created a temple more magnificent and more enduring than the silent pyramids which guard the ancient Nile. The ill-compensated and patient toil of the slaves who reared those somber monuments of antiquity, finds its counterpart in the labors of the thousands of lawyers, judges, and jurists who have builded this stately Temple of Jurisprudence. Venerable and majestic is this living temple, this ever freshly growing fabric of the law, and it rests with us to preserve its proportions and save it from falling into decay. It is imperative that some means be devised for lessening the burden cast by the reports upon the legal profession.

It is imperative that some means be devised for relieving the courts and the profession from this burden and it must be done without destroying the reports. I know from observation and personal experience something of the labor which the present system casts upon the judges. They have about reached the limits of human endurance. But the condition is largely one of their

own creation and it is possible for them to furnish a very substantial measure of relief.

At least one-half of the opinions which have been printed during the last twenty-five years should not have been written. There is seldom, at present, any excuse for a *nisi prius* judge, whether State or Federal, filing a written opinion. Such opinions bind no one but the immediate litigants. How the mounting volumes of the Federal Reporter would shrink if the District Judges would adopt such a self-denying ordinance.

When facts only are involved memorandum opinions only should be prepared. New and important questions should, of course, be fully discussed and explained. Thereafter, cases involving the same principle might well be disposed of by the simple statement that "This case is ruled by *Smith v. Jones* and the judgment of the lower court is affirmed or reversed." What I call fact cases are never precedents and legal principles are weakened by frequent attempts at restatement. Different phraseology suggests varying shades of meaning which are hopefully pounced upon for purposes of differentiation. The results are more appeals, more explanations, and desperate attempts to reconcile the irreconcilable and preserve the appearance of conformity. There is seldom any necessity for a written opinion when the decision of the lower court is affirmed.

Many of our opinions are rendered unnecessarily long by elaborate recitals of facts, and by the copying of documents and quotations from other opinions. If they could be put under some form of hydraulic pressure they would be improved in both form and quality. You will find illustrations in any volume of the reports. In the current number of the Northwestern Reporter there is an opinion into which is copied a chattel mortgage including the acknowledgment, the certificate of registration, and all the endorsements arranged in columnal form,—all to the satisfaction no doubt of the State printer.

I presume that ten percent of the matter in certain State reports has been reprinted several times in the form of quotations. Doubtless, also, twenty per cent of the matter of any volume of State reports consists of discussions of the law of other jurisdictions, dragged in for purposes of illustration or justification.

This was all very proper in the early days when there were few reported cases but is there any justification for it at the present time? We may as well recognize the fact that each State of the Union will have to develop its own system of jurisprudence. On few subjects is it possible to secure uniform legislation by the action of State Legislatures. Only Congressional legislation can accomplish this much desired result. When this fact is recognized and our courts appreciate that they are not obliged to justify what they do by proving that it has been done in some other State, the bulk of the reports will be materially decreased.

After all, the volumes which contain the really authoritative decisions are not as yet unmanageable. Our practical difficulties are due to the fact that we so often lose sight of the real meaning of the doctrine of precedent. Judging from the way cases are cited in our briefs we think that every case is of equal value and we cite them without much discrimination. Why not follow the example of the Supreme Court of Massachusetts which seldom cites any cases which are not in fact authoritative in that jurisdiction? In the State of Minnesota, for illustration, there are now one hundred and twenty-seven volumes of Reports. In these are found the decisions which control the judicial action of all the inferior courts of that State and in theory the future action of the Supreme Court itself. In the two hundred and thirty volumes of the Reports of the Supreme Court of the United States are found the decisions which so far as applicable, control the decisions of the Supreme Court of Minnesota. The decisions of the English Courts prior to 1776, so far as applicable, may still be cited as precedents. Upon certain questions the decisions of the United States Circuit Court of Appeals for the eighth circuit are, of course, of high authority. In that State the decisions of all other courts are worthless as *precedents*. They are illustrative, not controlling cases.

And now, gentlemen, permit me to say that I have not spoken in a depreciative spirit. I appreciate the work and the dignity of the legal profession and the part that lawyers and judges have taken in the building of this great country. It is a noble and an imperishable record. I feel, however, that we are drifting away

from the standards of our fathers. We take the practice of the law less seriously than did our predecessors. There is less evidence of the pride of the craftsman in the finish and the perfection of his work. And again I must repeat in closing that the average lawyer of to-day, when judged by his work, is not entitled to be called a skilled workman,—a craftsman.

THE PRESIDENT: This closes the program for the afternoon. We will stand adjourned until 9:30 tomorrow morning.

BANQUET PROCEEDINGS

THE TOASTMASTER: I suggest for the encouragement of our speakers, so that they may feel free to use the utmost candor in discussing ourselves, as the program indicates they intend to do, that you will remember that this is a family affair, with closed doors. There are no clients present, and what we are saying is not for them, any more than the confessions of cooks about the ingredients of their soup are intended for the information of those who have to eat it.

I find here on the program that somebody will give his views concerning the "Junior Member," who is not a junior member himself, another the "Beginner" and so on up to the Senior Members. And we have another subject which will give a view of the lawyer in the full tide of his career, in his prime, from one of the younger members. I am sorry to state that the subject, "In a Reminiscent Mood," by Justice S. M. Weaver, will have to be omitted, as Justice Weaver is unable to be with us tonight.

Now, it is likely that these gentlemen will be prepared to make divers and sundry confessions, and perhaps some exposures, and that has been the reason for my suggestion here so that they may overhaul us at will and we will take it good-naturedly.

The first number on the program is entitled "The Junior Member," from which I understand that the gentleman giving

this toast would have us think that he is one of the junior members himself; but if he intends to pass himself off in that way he should certainly have taken pains to remove from this audience a good many witnesses who might testify to the length of his practice. He has been one of those who might illustrate the claim made by some that lawyers go down to the Legislature to make laws for the purpose of going back to the courts and having them tell us what they mean. I believe I am justified in saying that he will give his views of the Junior Member from the standpoint of an older member who is getting over the experimental stage,—The Honorable C. H. Van Law of Marshalltown.

THE JUNIOR MEMBER

Mr. Toastmaster and Members of the Bar: I want it distinctly understood to begin with that this is not a reminiscence.

I view with a great deal of satisfaction the arrangement of this program and the order in which the toasts have been placed by the program committee. I realize there must be some victims of circumstance. I assure you that I will soon be in a position to enjoy this program from the standpoint of one released from responsibility.

The Junior Member as applied to myself—and I am very grateful to the Toastmaster for making the allusion he has been kind enough to make with reference to the application of my subject to myself—is not so far distant in point of time that I am unmindful of a great many of the shortcomings of the Junior Member, a great many of his disastrous experiences and forebodings. I feel that I am young enough to not only remember some of those experiences; but old enough to give some reassurances to the Junior Member in the light of some of those experiences.

As I said, I do not want to put myself in the position here of assuming Justice Weaver's part in the evening program and deal in reminiscences, however much I may be suspected in drawing upon the past for some of the observations I may here submit.

I caught myself one day when I happened to be in the chamber of the Supreme Court, marveling at the audacity—it appealed to

me as audacious, at least—with which one of the Nestors of the Bar of this State proceeded in frankly stating to that court wherein it was mistaken. I craved the time to come when I could with so much temerity or audacity, frankness, self-assurance and freedom find behind me enough years to deal with that great Court as I have thought it at times ought to be dealt with, but I realized in my situation at that time, and I have not altogether gotten over the feeling yet, that it took years of experience, trial, effort, and evident familiarity with the membership of that Court to prompt one to enter upon such daring flights of oratory as would plainly and pointedly tell those gentlemen, regardless of their eminent position, what law should apply to any particular case.

The Junior Member of the Bar as he starts out upon his venturesome career has this at least in his favor: he does not have to apologize for a great many mistakes. Frankly, he is apprehensive that he will not have the opportunity to apologize for the mistakes of others. He soon learns as he advances in his career that it is not every great noise that is fraught with danger. I might tell you how I learned that, yet I think I will refrain; I see some of my associates of the local Bar here.

It is the good fortune of the Junior Member of the profession to be apprehensive of disaster that may await him at the end of the trial. His adversary is often lured into the presumption that in his innocence he will not present a formidable line of attack or be advised of the latest niceties of the law of his case. It is in that presumption which at times so takes possession of the Senior Member that there lie the larger opportunities of the Junior; for in the hour when the Senior Member sleepeth his Junior will arise and rob him of his laurels.

There are serious considerations which circumvent the life of the Junior Member of the profession. We do not impose in him any great degree of confidence, his innocence is regarded by his adversary as his greatest weakness. His pretense at wisdom is spurned as pedantry and his early triumphs may be enviously attributed to the counsel of others. With all his failings he presents the hope of the profession in its future attainment. The

fountain never rises higher than its source and the profession in Iowa must ever measure the possibility of its attainments by the character of the Junior Member of the Bar.

We heard this afternoon discussed ably, analytically, and fully, and I doubt not but what every man who heard the address of the afternoon, fully appreciated and acquiesced in the conclusion wrought out, that our courts are piling up volume after volume of the results of adjudications, which stagger the profession in an attempt to compass the various rules of procedure and substantive law when new questions arise. There are many of the cases which find their way thus into the contributions of American case law that never should have found their way into a court room, and if they are to be withheld from the accretions of the volumes of case law in this country, it must be because the office desk becomes more and more a trial table. It ought to be the ambition of a lawyer—and the Junior Member is a promising source from which the reform must come—to keep his client from a controversy in court, rather than to be the inspiration that will lead him into a controversy in court. The competency of a diplomat consists in the fact that he has the facility and faculty to keep his nation free from international imbroglios and I submit it should be held to be a worthy ambition of the lawyer as the ranks of the profession are increased by the older growing Junior Member, to see how free the dockets of our Courts may be kept from needless controversies.

With a larger frankness and a more candid and professional view of controversies and conflicting interests when they are presented in the first instance for the consideration of the lawyer there will result a reduction in the list of needless trials much to the relief of our courts in reaching and disposing of meritorious causes. The profession may never become so far removed from the material considerations of life that fees will cease to be the sinews of war; however, is it not more profitable for a lawyer to lose an occasional fee than to lose a whole case; and is it not a higher ideal for the profession that a member of the Bar shall not pride himself in the extent of his court calendar, but rather how extensive shall grow the list of matters submitted to him

which he is able to withhold from the court docket in their adjustment? This achievement is not only to my mind a growing mark of professional standing, but it should be a matter of legal ethics, a proper standard to be adhered to and followed and constantly held before the Junior Member of the profession in which he should strive in the attainments of his professional career to be an adjuster of controversies rather than the promoter of litigation. When lawyers shall meet in frankness to discuss and determine the facts that arise in connection with controversies between their clients, our court calendars and our case law will lose much that now impairs the efficiency of our courts and incumbers our case law with useless material.

In this way the Junior Member of the profession, with this ideal and this standard, with a determination to realize, not how large his court calendar shall grow, but how large shall grow his clientage that will have in him confidence, will be able to aid in overcoming the criticism so often made of our courts as to retarded justice and belated adjustment of affairs.

I do not suggest this out of apprehension of the ill effects of this criticism as to misguided or perverted justice, but rather as one of the means to lessen the burdens of our courts from the enormous calendars that confront them in this day. I dare say there is not a member of the Bar here from any county in the State but knows that a review of his home calendar will disclose and his past experiences at the trial table confirm the statement that innumerable controversies occupy the attention of our courts, wherein a frank consideration of the facts and of the law between counsel engaged for the respective parties would have meant a disposition of the controversy before it ever found its way to the court calendar.

And thus as we welcome to the ranks of the profession these men whom we today classify as Junior Members, freed from their mistakes of yesterday, innocent in their aspirations, confiding in their dispositions and into whose hands is constantly being committed a larger share in the fortunes and the affairs of men, is it not the part of those who have had the larger experience in the profession to join with them in a professional pur-

pose that finds its pride in the disposition of causes without the necessity of litigation, and rejoices at the growing list of men for whom they do business as lawyers!

There is something gratifying in the program before us tonight as we contemplate the scope of its toasts. As already intimated by our toastmaster we are considering ourselves tonight within these closed doors. We are commencing in this list of toasts with the consideration of the member of the profession in his infancy, "The Beginner" and "The Junior Member"; we are to follow him in his career until he reaches the attainment of his early ambition and recognizes in his achievements the embodiment in himself of "The American Lawyer." We may possibly grow "Reminiscent" and contemplate by the wayside "The Victories of Peace," and finally consider "The Lawyer's Relation to Politics"—a delightful program before us inviting a happy anticipation as we consider the lawyer among ourselves, and follow his footsteps thus "from childhood to the grave."

THE TOASTMASTER: Our next subject will be a view of "The Beginner" by one who is himself a beginner, so we may compare the view of one who is not so far along as to forget the beginning with that of one who has passed beyond the preliminary stages of the practice. A long time back in the last century, when I was at the law school at Ann Arbor, a visiting lawyer gave us a talk and commenced by saying, "My young friends, I pity you from the bottom of my heart." His reason was that we had all the trials and tribulations of the young lawyer to go through with. But I do not agree with him, for the younger member is the one who has the world before him with all its visions. The next speaker is one who has practiced law for a few years only, and who will speak on "The Beginner,"—Mr. Vincent Starzinger, of Des Moines.

THE BEGINNER

Mr. Toastmaster, and Members of the Iowa State Bar Association: Considering the subject assigned to me, and considering further my own recent advent into the law profession, I think I ought to exercise the same caution exhibited by a certain young

lawyer who indulged in a voluminous correspondence with a young lady. After a time, the young lady, convinced that the young lawyer would not fulfill her expectations, brought an action against him for breach of promise of marriage. When the letters were produced at the trial, each one concluded as follows,

"Always without prejudice,
Faithfully yours," etc.

However, the trial judge facetiously left it to the jury to say whether the young lawyer did not use such expression meaning without prejudice to the young lady, and the jury promptly found for the plaintiff.

I speak tonight as a Beginner and in behalf of beginners in the law profession. Since, as our worthy Toastmaster indicated, there are no clients here, I can safely confess that our profession is much better than our practice. We have our troubles with some clients and we have more trouble without some clients. In the latter case, we practice economy rather than law. Irrespective of our political differences, we are all with that great statesman and diplomat, President Woodrow Wilson, on his policy of "watchful waiting,"—as a matter of dire necessity. It appears to us that the law is an exceedingly healthy profession, notwithstanding the old saying that "The good die young." However, while you older members of the Bar are pulling the fish, we beginners are getting the joy and pleasure of anticipation, which comes only in digging the bait. Sometimes we feel that the older lawyers might do more toward shortening the period of starvation, but perhaps the beginners in the legal profession, like ships that sail the ocean, cannot find themselves until they have weathered a storm.

It begins to look as though I were going to make the same mistake attributed to a certain young lawyer down in our district. His first case did not involve very much, but he naturally spent a good deal of time preparing for trial and worrying about the outcome. The case was tried to a jury and the young lawyer had the opening argument. He talked to the jury about four

hours. When he had finished, the lawyer on the opposite side of the table, an old veteran of the Bar, arose and said, "May it please the court: I will follow the example of my young friend and submit the case without argument." I am sorry that you see the application of that story; I hoped that you would not.

As suggested by the Honorable Van Law, a young person is prone to be a reformer. However, I venture a suggestion in defense of our profession, for it occurs to me as a Beginner that the law and lawyers suffer unjustly by a false comparison with other institutions and professions. I pass over the great public service rendered by lawyers. That subject will have ample treatment tonight by speakers of real ability and eloquence. I want simply to call attention to the fact that many "snap-shot" critics who rail at the failure and obsolescence of the law and lawyers, have only a blurred vision of the subject whereof they speak. Strange though it may seem, the State established law primarily for the purpose of settling controversies peacefully. That purpose has been accomplished without question. It is true that the State, in settling controversies peacefully, does and should undertake to administer justice. The State has not been so successful in this respect. But this is due, not so much to any special fault of the lawyers as it is to human imperfection and to check devices, such as popular election of judges, short tenure of office, and trial by jury, retained largely through popular fear and apprehension. Furthermore, in the nature of things, there can be only one established system of law in a State, unaided by the stimulus of competition enjoyed by all other institutions even including the public schools. The law, for obvious reasons, must be based largely on habit and must represent stability. There is no opportunity for experimentation. The lawyer, unlike the doctor, cannot first try his concoctions on cats and monkeys. The medical profession develops hand in hand with the natural sciences and is advanced beyond measure simply by utilizing the laws of nature, in which process all human desires and efforts harmonize. On the other hand, the legal profession has to do almost exclusively with human conflicts in which human passions and prejudices are consciously and intentionally opposed. In

these conflicts, the lawyer is a paid advocate, contending on one side, and in performing his admitted duty to his client, he must necessarily encroach upon the freedom and activity of others. Despite the general insinuation as to the lawyer's integrity, it is surprising how frequently his clients expect him to resort to means in their behalf which the lawyer refuses, and which they themselves would condemn without reservation if employed against them. The lawyer, instead of being able to harness the forces of nature and to coöperate with human desires and efforts, is obliged to work in continual conflict with them.

These are only a few of the considerations generally overlooked in passing judgment on the law and lawyers. I call attention to them, not because they are discoveries and not because they argue perfection for the law profession, but rather because I believe that much of the talk concerning the giant strides made in the natural sciences, in our industrial life, and in the other professions, is beside the question in considering the legal profession, and because I believe that under all the circumstances the legal profession has acquitted itself surprisingly well.

A talk in behalf of the Beginners in the law profession would not be complete without an expression of appreciation for the kindly interest, disposition, and help of the older members of the Bar. If we made a confession, most of us would admit that we chose the profession largely because of a youthful ideal impersonated by some established lawyer, keen of intellect, rich in wisdom, all-sufficient in worldly affairs, and overflowing with generosity. Our early notions were vindicated upon entering the profession. I have often wondered what prompts the lawyers to give so freely and cheerfully of their time and experience and counsel to the Beginner. The judges, too, are very indulgent and frequently take an active part in the trial of our cases. We can even count on the jury for assistance. We sincerely appreciate this. I believe that it is peculiar to the legal profession and I like to attribute it to the broad-gauged character of the members of the Bar, fostered no doubt by their wide experience in which the human element is ever present. It is this trait, this broad understanding, this spirit of tolerance and service, born of manifold

experiences with human problems, which makes the seasoned lawyer more than a mere craftsman and scholar; it makes him the constant adviser, the liberal sympathizer, the valued friend, the impartial mediator, and the inevitable leader and keeper in all worldly affairs. This opportunity is the reason so many of us have chosen the legal profession.

THE TOASTMASTER: The view of the younger member having been given, we come next to the subject of "The American Lawyer," in his prime as I suppose, from the standpoint of one of our younger members, the County Attorney of Lee County, Mr. E. W. McManus of Keokuk.

THE AMERICAN LAWYER

Mr. Toastmaster and Members of the Bar Association: This is the first opportunity that I have had to visit Fort Dodge and I want to acknowledge the high estimate I have formed of the city and its splendid people. The fame of Fort Dodge has long rested upon the quality of gypsum and lawyers that she has contributed to the country. The Bar of Iowa, aye the entire citizenship of the State, is indebted to Fort Dodge for the illustrious names she has added to Iowa's scroll of fame. It was here that the brilliant Tom Healy lived and labored and the great Dolliver, gifted as few Americans have been with the power of eloquence, fitted himself for that splendid career of service and triumph that elevated him to the foremost rank of American statesmen. And here in the meridian of their powers, decorated with the choicest laurels of fame, these two great Iowans died.

The young and strong who cherished
Noble longings for the strife,
By the roadside fell and perished
Weary with the march of life.

Our colonial forefathers when they abandoned the theory of the divinity of kings and subscribed to the Declaration of Independence engaged upon a grave experiment in the science of government. The verdict of history was against them and the weight of contemporaneous opinion predicted failure and dis-

aster. Time has vindicated the wisdom of that experiment and the institutions which they founded with misgivings have grown and flourished beyond their most sanguine hope.

There was something strange and unprecedented in this government that our forefathers gave to us. It recognized for the first time that the people are the source of power and that governments derive their just powers from the consent of the governed. The old English law grew and developed under the vicious doctrine that this power was lodged not in the people but in the king. The beauty of Coke's opinions, Blackstone's commentaries and Erskine's arguments is marred by a failure to recognize this vital and eternal truth. The application and development of this principle—the sovereignty of the people—offered to the American Bench and Bar a splendid opportunity for service in the cause of humanity. Be it said to their eternal credit, the American lawyer has been steadfastly loyal and devoted to that principle and the Judiciary has maintained it against encroachment and assault with unfaltering firmness and fidelity. American jurisprudence maturing under the influence of this exalted principle, profiting by the experience of the ages and sustained by the devotion of a hundred million free men, is the sweetest and fairest flower of modern civilization.

Notwithstanding the irresponsible mouthing of the reformer and malcontent, I want to say tonight that the annals of American jurisprudence constitute one of the choicest possessions of our countrymen. We often hear it said that the law is unprogressive; that while other professions march forward in the vanguard of progress, the law clinging to its technicalities and obsolete appendages, lags far behind the procession. These charges passing back and forth unanswered and unchallenged are crystallizing into a sentiment that has long craved and now demands that the axe of reform be applied to the sturdy oak of the law.

The most alarming spectacle in the country today is that group of discontented patriots with empty stomachs and vacant heads who are constantly bewailing present conditions and demanding something new. This clamor for change—this irrepressible wave of reform gathering momentum by accretion and propa-

ganda beats with angry insistence against our legislative parapets and annually swamps the country with a flood of new and strange laws. The army of reform, armed with hand grenades, poison gases, hat pins and oratory, has stormed and captured our Legislative Assemblies and planted upon the domes of our State houses the gaudy standard of reform. Let those who love reform for reform's sake alone, who would encumber the statute books with legislation ill advised and superfluous and who on the spur of occasion would uproot the sacred principles of our law, let them hearken to the old proverb, "Cursed is he that removeth the land mark."

There is room in this country for men of firm conviction ready to stand in the way and stem this rising tide of ill-advised reform, men of courage and training with patriotism that neither thrives under flattery nor withers under criticism, men who without being reactionary are yet reluctant to part with the old without proof of the efficacy of the new.

The future well-being of our country rests with the character of public sentiment. It is the voice of the people; it shapes the destinies of nations; it finds expression in the laws of the land and in the customs of men; it is mightier than mandate of king or potentate. The all-important question in this land of ours is whether this sentiment shall be molded by the propagandist and demagogue or by the student and statesmen; whether this voice of authority shall ring out a clarion message of hope or speak in disconsolate syllables of despair.

The leadership of public thought has been committed to the American lawyer. His mission is to lead the public mind out of this mire of hysterical agitation back again to the era of sane progress that looks before it leaps. His title to leadership rests upon the past achievements of his profession and in the confidence of the American people. Heaven forbid that he shall ever by his conduct forfeit this leadership that has been the constant support of his country and the lasting glory of his profession.

The other day Charles E. Hughes, a distinguished lawyer and a Justice of the Supreme Court, in discouraging the use of his name as a presidential possibility, said:

I hope that as Justice of the Supreme Court I am rendering public service and may continue to do so for some years. But the Supreme Court must not be dragged into politics and no man is as essential to his country's well being as is the unstained integrity of the courts.

I thought as I read that statement that it rang true to the best and noblest traditions of the American Bar—traditions illumined by the judicial wisdom of Marshall, the towering intellects of Webster and Jeremiah Black, and the vibrant eloquence of Vories and Sargent Prentiss. It voices a sentiment that should find lodgment in the heart of every American lawyer and ready response from every American who indulges the hope that our institutions shall continue incorrupt and secure.

A famous painter has drawn a picture of the making of the American flag. It is a familiar scene—Betsy Ross and a group of loyal colonial dames are gathered about an old-fashioned spinning wheel amid humble surroundings. With nimble fingers and willing hearts they are weaving and assembling the red, white, and blue into the first conception of the star spangled banner. No artist has yet fittingly pictured the making of the institutions which that flag stands for. The imagination falters in the presence of that task. Pigments cannot portray the nights of terror and the days of triumph; the myriad fields dripping in bloody sacrifice; the broken hearts and the flood of tears; the countless deeds of valor and of love that mark the glowing annals of our country. And in that stirring tale of the Nation's birth and struggle for independence the name and fame of the American lawyer is writ in characters of living gold.

THE TOASTMASTER: I wish to thank Mr. McManus for his appreciative remarks on the eminent men whom the Fort Dodge Bar has furnished to the public and to the Nation. In that connection I wish to remind the Association of a most creditable thing done by the Webster County Bar in placing the portraits of the departed members of this Bar in the District Court room, where they may be seen, and where their influence and memory may inspire the living members of the Bar. There you may see the likeness of the Honorable John F. Duncombe, leader of the

Bar from a time before the Civil War, that of Senator Thomas D. Healy, and of Senator Jonathan P. Dolliver. I believe the example set by the Bar here ought to be followed in the other counties of the State. For my part I was sorry to see the portraits of the departed members of the Supreme Court removed from the Supreme Court Room to the Historical Building.

Some remark by the last speaker concerning the views of the European war reminds me of a story I read when I was a boy, that may illustrate one of the reasons for the war and perhaps furnish a ground for a new rule of international law as suggested in Judge Towner's address today. You remember that the reason given for the sudden sending of the German army into France was that the French were thinking of revenge. This story was about one of our citizens who came over from Germany. He found it necessary to punish his boy for saying "damn" to his school-teacher. After finishing the chastisement he said to him, "Now what you t'inks?" The boy said, "I think nothing." "You t'inks nothings? I know what you t'inks. You t'inks, damn your father. Now I lick you for dat." This is given in a spirit of strict neutrality.

We have next on our program "The Victories of Peace." Possibly the speaker, having now been returned to the Bench, is about to endorse the suggestion of Mr. Van Law for the settlement of more controversies so that there will be less work for the judges. The speaker on this subject is a resident of the Northern Federal District of Iowa but lately appointed a Judge in the Southern District. It is rumored that he intends to move to the Southern District and take his county with him, which would be something like the Chicago lawyer who was asked how business was. He said, "Bad! Very bad! If things keep on this way I am going to take my witnesses and move to Detroit." But whatever foreign District our next speaker may annex, or whatever District may annex him, we shall still follow him with our love and admiration and wish him every honor and success,—The Honorable M. J. Wade.

THE VICTORIES OF PEACE

JUDGE WADE: *Gentlemen of the Iowa State Bar Association:* I assure you that I appreciate this opportunity of visiting the city of Fort Dodge. I assure you that I came to Fort Dodge solely to attend this meeting. I did not have any ulterior purpose. I am out of politics. I am reminded of a comparatively recent political conflict in this State, when a gentleman whose name appears on the program tonight was elevated to the position of United States Senator of this Commonwealth, and his active opponent, when he learned of it said: "I am going up and walk down the main street of Fort Dodge." And I have felt, since I saw this large assemblage here tonight, that possibly this feeling had something to do with the large attendance at this meeting of the Association.

I adjourned court in Des Moines last night, and I have enjoyed every moment of my time since, not only since I came here, but in coming here, along the hills and valleys which lie between here and the capital city. What grand, inspiring scenery! Coming out of Des Moines a fellow said the other day: "Did you ever notice what a feeling, what a splendid feeling, comes over you on getting out of Des Moines?" His friend said: "Which way, on which line?" He said: "Any line." That reminds me of the fellow in New York who rushed to the ticket window and said: "Give me a ticket for Charleston." The agent replied: "Charleston, Massachusetts, or Charleston, South Carolina?" He said: "Which is the cheapest?"

Coming along on the interurban we reached that magnificent high bridge, and the fellow that I was riding with tried to convince me that it was the bridge referred to by the poet when he said: "I stood on the bridge at midnight." I told him possibly that was the bridge referred to by the fellow at Boone, who said:

I stood on the bridge at midnight,
As full as a son of a gun,
Two moons rose over the city
When there should have been but one.

Out here in front of this magnificent hotel I heard a fellow talking; he was evidently a stranger in the town. He said to

another man: "Is this a dry town?" He answered: "No, this is Fort Dodge." He couldn't conceive, you know, of such a thing; it was utterly inconsistent. I thought of an incident down in Chicago. A prominent policeman died; the boys of the force regarded him very highly and they held a meeting and passed resolutions and decided to have a memorial at headquarters, and secured a very beautiful oil painting of him which cost \$500. The day came for the unveiling of the picture and some of his friends looked at the picture which was very lifelike, when one of the cops by the name of Casey walked in and saw the picture. He said: "Well, there he is," and he kept on walking up toward it. Somebody said: "Who is it?" He said as he reached out toward it: "It is O'Brien." The artist said: "Stand back, don't touch it, it isn't dry yet." He answered: "Well, if it isn't dry, it isn't O'Brien."

I remember being in Fort Dodge before. I spoke here one time, lectured here one time at a Chautauqua. It isn't everybody that can lecture at a Chautauqua and come back to the same town. I remember at that time I told the story, or the incident, rather, of an examination of the high school students, when the teacher asked some girl to name the great American desert, and she said, "Prunes." I told that story out here in the park and there wasn't a smile in the audience. I told them I thought prunes was no joke around Fort Dodge. I don't know whether Adam Bede was with me on that day or not. I was just reminded to-night of the season when Adam and I traveled over this country; anyway, if he was there, it was I that told the story, and of course, he looked surprised and led the applause. When it was my turn to open the program I would begin this way—you know Adam Bede, most of you, he is not a stalwart looking fellow although he is a stalwart. I would commence by saying, "Ladies and gentlemen: I want to announce now, at this time, that this gentleman sitting behind me here is a Congressman." We were both Congressmen at that time, so that the charge wasn't anything he could resent. "Strange as it may seem, this gentleman is a member of the House. I tell you this so that the same thing will not happen that occurred at Chicago at a Repub-

lican National Convention a few years ago. Fairbanks was talked of as a candidate for President, and the atmosphere became so chilly that they had to call a lot of meetings to stir things up. This gentleman was at one of the halls where there was some talking to be done. On this occasion somebody yelled out: 'Bede, Bede, Adam Bede!' This was repeated three or four times when Bede jumped upon the platform and commenced talking. Again he repeated: 'Bede, Adam Bede!' Another fellow said: 'Keep still, you — fool, that is Bede talking now.' 'No,' he says, 'that ain't Bede, that's the fellow who gave me a dollar to holler for Bede.' "

Our Toastmaster mentioned the fact that I have recently returned to the Bench. Of course, I don't think that has the same meaning as my original appointment. I know when I first went on the Bench that famous philosopher, Steph Bradley, of my town, said it was the same with the lawyers as with baseball players: "If a man don't make a hit they put him on the bench."

But I want to say to you, my friends, that they got me to take this office this time under false pretenses. I have investigated the matter of office holding and of securing offices very minutely and extensively for some time; and one of the established, recognized conditions I had in mind when I took this position, was the expression of the fellow down in Washington who had held office there for some twenty-five years, and somebody who was very anxious to secure a place and expected to be asked to take one asked him: "Say, is there very much work about these public offices?" The fellow says: "No, not after you get it."

I find I proceeded upon the wrong theory, because I have been holding court practically every day since I was appointed, and the fellow evidently was wrong as to this particular place. I can see now that I made a mistake. There is no difficulty at all in selecting the place you want to take. You have often heard it said that Washington is the City of Magnificent Distances. There was a fellow down there last year, after the inauguration — been waiting there for six or eight weeks, — he said: "I never knew before why the city of Washington was called the City of

Magnificent Distances." His hearer asked: "Why?" "It is so d—— far between what you go after and what you get."

There has been quite a struggle for public service. In the campaign of 1912 we used to sometimes sit down and ponder and talk over the question between ourselves at the headquarters, as to how in the world we were ever going to handle the thing when we got it. We knew these Republicans would all insist on going out of office and we didn't believe we could get Democrats to take the offices. But I want to say on behalf of the Democrats, and to their credit, that they came forward manfully and patriotically. I never looked for a scramble such as they used to have years ago. When I was at Washington, I remember a poor fellow who had been down there for several months waiting for an office, traveling from one department to another, borrowing all the money he could get from his Congressman—that is one of the duties of the Congressman, to see that the fellows get home—one of the problems of the Congressman and Senator too, to get them started home. He had borrowed all he could get and had practically given up all hope and had become thoroughly disgusted with life, and he made up his mind that he would end it all. He went down towards the Navy Yard and decided to jump into the Potomac and drown himself. It was one of the most pathetic things I ever knew of. Just about the time he was ready to jump in the water, the moon happened to break out from behind the clouds and he saw a body floating down the stream, and he saw it was a clerk from "Jim" Wilson's Department. He said to himself, "There is a vacancy." He paid his last five cents for a street car ride up to Secretary Wilson's house and pounded on the door. He created such a commotion that the butler opened the door for him, and he then insisted upon seeing the Secretary of Agriculture, and created so much trouble that the Secretary came down, and the fellow said: "Mr. Secretary, Bill Jones, Div. A-831, has just committed suicide; I just saw his body floating down in the water, and there being a vacancy—"

The Secretary interrupted by saying: "You darn fool, I gave that place a half an hour ago to the man that saw him jump in."

I never expected to see any scramble of that kind and I didn't.

I know of a few instances in which men who went down to Washington were disappointed. I remember one fellow who was coming out on the train; he was so disgusted that he said he never would go to Washington again—"That is my last trip to Washington; Washington will never see me again." A fellow sitting across the aisle said: "That reminds me of an old Irishman in Illinois, who had come out to this country in the early years and settled on a farm, and, when in his old age he had sold it, he made up his mind that the only place for him was back in the Old Country to spend the remainder of his days where he had played as a child. He packed things up and got on the train and started for Europe, back to the old home, to settle down where he thought he would have happiness and contentment. After he arrived, it wasn't many days until he began to realize it wasn't the old home any more. He didn't find the same green acres he loved as a boy; and he somehow missed that spirit of freedom which he had known in his adopted country, and in less than two months he got his belongings together and was on a vessel crossing the Atlantic towards the shores of America again. He was anxious to reach land, and as he was approaching the harbor, he was pacing the deck watching for the shore-line. The first thing that broke on his vision was that great statue of Liberty enlightening the world as it looks out across the great ocean. As he saw the figure he smiled, and took off his hat, and said: "Good morning, madam. I am awful glad to see you, and if you ever see me again, you will have to turn around."

Now, as to appointments. In all administrations and in all the affairs of life, even in my court, sometimes there are disappointments once in a while, although as a matter of fact I think and feel, and admit, that I am better qualified for a judicial position than most anybody else, because of the experience that I have had in a judicial capacity for a few years in disposing of various and sundry offices in the State of Iowa. And I made a remarkable discovery, which I think of interest. I found that men without any university training are natural lawyers; without any advice they instinctively adopt methods that are recognized modes of procedure. They begin their case by filing a

petition; and then the opposition recognizes the necessity of filing an answer, and then they proceed to introduce their evidence, and they are particularly strong in the process of introducing evidence especially as to truth and veracity of the other fellow, and his moral character, all this without any university training. In fact they do not limit, as we do, the proof of reputation to the particular witness in the case, but they go back to his father and to his grandfather; they impeach them all; away back about sixty years ago they ferret out and prove, sometimes by circumstantial evidence and sometimes by direct evidence, that the great-grandfather of the candidate voted the Republican ticket and of course this settles the matter. They have the same ideas after the decision as the lawyer has, they recognize and claim the great constitutional privilege of "cussing" the court, the only difference being, that they do not always go to the tavern to do it.

Speaking of circumstantial evidence reminds me of the great value of circumstantial evidence in the administration of justice. A short time ago an Irishman and an Englishman were disputing as to the achievements of the old days in their respective countries. The Englishman was telling the Irishman about tearing down a castle and as they got down to the foundation of that old castle, he said that they found wires under the castle, showing that away back in the tenth century the English people had a system of telegraph for the transmission of messages. The Irishman said, "We were tearing down an old castle last week, and it was strange, when we got down to the foundation of that building, and got it all cleared away, there wasn't a single wire there, proving beyond controversy that in the tenth century they had wireless telegraphy in Ireland."

My friends, the greatest problem which has ever come to the human race, since that far off day when it started out upon the great highway of life—the hardest problem that humanity has had to deal with, is how people might live together in communities without cutting each other's throats. That has been the problem of the ages. As we look at the warring world to-day, we are reminded that the history of the world is a long, sad story of

war and bloodshed and death. That the path which humanity has traveled stretches back into the dim distance, a long line of white human bones; that the flowers and the trees and shrubs along the way have been nurtured by the red blood that flowed from human hearts. All over the world, battle has waged; away down in Egypt where the Nile scatters her riches; upon the banks of the Tiber, which for centuries reflected the majesty of Rome; upon the heights above the castle-crowned Rhine; on the banks of the peaceful Thames; upon the prairies that sweep back from the Father of Waters—in all these places, men have fought and died. In the field and in the forest, by the sweet running brook, and upon the burning sands, in the mountain pass and in the stony streets of the populous city; within the chancel rail of holy churches and at the dark entrance to the Bastile—in all these places, the hand of the oppressed has been lifted against the oppressor, the right that God gave to men to be free, has struggled with the power which might has given, and, alas, so often might has triumphed, and the slave, sick at heart, has been scourged to his dungeon. On a thousand hillsides burning fagots have consumed men who have dreamed of freedom, and in the darkened bastiles men have lain with clanking chains upon their limbs, where God's sunlight seldom entered, because they dared to ask for the rights of freemen. In the olden days force ruled the world, the king, the crown, the scepter, were the insignia of power. All about were the instruments of force, the cannon, the moated castle, the marching armies of the king.

And so it was until a new nation was born, a nation founded by exiles who were fleeing from oppression, from unrestrained power; exiles who dreamed of establishing a nation, exiles with the hearts and the hands with which to build it; a nation where there would be no masters and no slaves, where the citizen should rule and not the soldier, where the home and school and not the castle, should stand as the citadel of the nation; where the steel would at last be molded into plow shares and not into swords; where instead of martial music, the song of the plowboy and the hum of the spinning wheel would greet the ear; where the lust for power would be dethroned, brute force strangled; where love

should rule and not brutality; where justice and not vengeance should be the end of judicial investigation; where the rights of men to live and to enjoy the fruits of commerce and labor would be recognized. This was the dream of the fathers of the Republic as they laid the foundation in the long ago; and in the years that have come and gone, under the inspiration of the men of those days, what wonderful things have been accomplished—wonderful years of peace, broken, it is true, on a few occasions by resort to the final arbiter, war, but in the main, pursuing the peaceful ideal of the founders of the Republic.

Where this Nation passed from the old ideal to the new, in the organization of the Government, was in the distribution of its powers and when they made the Judicial Department of government independent and supreme. This was the secret, given to them by Divine inspiration, that the Judicial Department should be supreme. Under this principle this Nation has builded wonderfully; the forests have fallen; the prairies have been plowed up and are yielding the shiploads of grain and corn that feed the hungry mouths of the world. We have builded great cities; have opened great avenues of commerce; have opened the doors of learning in the great free schools of the Nation; have given to every child, rich and poor, the opportunity of university and higher education; and over all, the golden spires of the church, here and there point into God's eternal blue. A wonderful achievement for these few years of peace. And during all these years it has been the hope of thinking men, who realize what the fathers accomplished when they closed the doors upon the past, and opened wide the gates of a new Republic, that as the years go on there should be more and more instilled into the hearts of men this principle of the supremacy of the law without which the ideal or the dream of the fathers never can be accomplished.

Not to speak further in generality, what is this thing we have been trying to teach the people of this Nation? The lesson is not all learned. What is it? We have taken away the fear which dominated men and made them yield obedience; we have replaced it with love and respect for law and order, and that is the thing we are trying to instill into the American heart—just respect for

authority. In that, my friends, we sum up the highest and noblest expression of patriotism. It is all right to cheer when the flag goes by; that is an exuberance of spirit truly American. But if I were asked to define what is real American patriotism, I would say, it is humble respect for duly constituted authority. Have we this respect? Look at the State of Georgia tonight where the Governor of a great Commonwealth is in his home surrounded by guards, to save his life from the angry mob, because they do not agree with him in the performance by him of a duty imposed upon him by the constitution and the law of his State. I am not reflecting upon Georgia as a State or Commonwealth, except as existing conditions indicate to what extent we still need, not only in Georgia, but everywhere, further education and further development of the spirit of willful submission to lawfully constituted authority. Doesn't that mob down there tonight give pause to those men who two years ago were clamoring for the right to recall the decisions of judges or the judges themselves? No, the work is only partially done, and in my judgment, if it is going to be well done, fully done, we must lift the Judicial Department of Government from what it is and has been to what it was and should be. What do I mean? I mean, that somehow or other, in this country, our people have been looking at the courts and judges as merely men holding an office, elected to an office—officers. They have not the conception of the Court as a governmental institution, as one of the three great departments of the government. They are inclined to measure the Court solely by the individual who happens for the time being to hold the office, instead of by the place which it, as an institution, holds in our plan of government. Judges come and judges go, but the Court lives on and will live on, let us hope, to the end of time.

We never have had a better opportunity to bring this great department of government properly before the people, in a place where it will command the respect of the people, than we have now. Respect not alone for the man who happens for the time being to occupy the place of judge, but respect for the function of government which it represents; respect for this

place, the last resort for men who have been wronged. We must know and the people must know that power in this Nation must rest somewhere, and that if in the solution of problems and controversies between man and man, we will not submit to the judicious and judicial consideration by that department of government, created for that express purpose, then they must turn back the wheels of time and reach for the battle ax or bludgeon with which our ancestors settled their differences. We must bring out in bold relief the great department of the Judiciary, which in this Nation of ours is supreme in determining the validity of every rule governing human conduct; and we will never have a better opportunity of doing it than right now in this State as we take up the subject discussed to-day, a judicial building for the great State of Iowa. We cannot better teach the people of the State the functions of this great department of government, its importance and its power and its necessity, than to have it properly housed in a dignified structure which will stand as the Department of Justice where justice will be administered—justice, equally to the rich and to the poor, and to every interest, however humble or great. The Bar of Iowa should not tolerate the submersion of this great department of government, in the corner rooms or the back rooms of some building.

The whole philosophy of our government demands that it be brought out in a proper setting where every man can look at it and say, "There is that department of government which is the sole refuge of the man who has been wronged. There is the Department of Justice." We should have a Temple of Justice, which would be the seat of justice, not temporarily, but eternally, so far as nations can be eternal. We must be the teachers of the great truth, that the foundation of that building and what it represents and what it includes, is the Constitution of the United States, and of the State of Iowa. And then we must exert our power to impress upon the people a higher reverence for the Constitution, which is the foundation of all power in this government of ours. If we speak as the Bar of Iowa, pleading, not for ourselves, not for the men who may occupy the building, but for the cause—for that great function of government which comes nearer

to the people, and should be dearer to the people, than any other department of government, the people will hear—they will learn a great lesson in patriotism, and they will give us a building which will truly typify the greatness of Iowa, symbolical of the greatness of the Nation and thus teach a great lesson to our present generation and to posterity.

THE TOASTMASTER: I am sorry that our guest, Judge Elliott, has had to leave in order to take his train before the banquet closes.

Probably many lawyers fail in their duty in politics. Upon this subject we have a speaker known to us all and needing no introduction. He has reached an eminent place as a lawyer, judge, and senator. "The Lawyer's Relation to Politics,"—Senator W. S. Kenyon.

THE LAWYER'S RELATION TO POLITICS

SENATOR KENYON: *Mr. Toastmaster and Gentlemen of the Bar:* I have been trying to get it into my stupid head, just exactly what Senator Van Law meant, when he spoke of this program tonight, commencing with the cradle and ending with the grave. I assume from his remarks that my voice is a voice from the grave, and from the heat of these surroundings, I am not quite sure, considering also the members present, but what I have gone through the grave and awakened in a country we all desire to escape.

I feel called upon, in the few brief remarks I am to make, to come to the defense of Fort Dodge. In his speech, Judge Wade states that at our Chautauqua our people didn't appreciate one of his jokes, which referred to the great American desert—prunes. I happened to be at that Chautauqua and I remember that joke and several other parts of his speech tonight. I remember coming away from the Chautauqua with an old Swede friend of mine from down near Gowrie. I said to him: "Ole, you didn't get that joke of Judge Wade's, about the prunes, did you?" "Well," he said, "I tank I did." I asked him, "Why didn't you laugh; it was your duty to laugh at a Chautauqua."

"Well," he said, "I don't know whether we know much about prunes, but, by golly, we know chestnuts."

Our distinguished Toastmaster has said to us that we could talk freely here tonight, because our clients were not present. I am afraid if they were, they wouldn't believe all we are saying. This is one of those festive occasions when we gather around the festal board and confess what great people we are and what high ideals we have of the profession, before retiring to our offices to charge up contingent fees and to prepare to take charge of the estates of our clients.

There is something about an after-dinner speech I don't like. There are two things about it I don't like. One is, to make one, and the other is, to listen to one. I have really not made up my mind which is the harder problem; but it always affects me a great deal the same as it did the young man whose wife was about to pass away. She called him to her bedside and said: "John, I know you don't like mother at all, but just for my sake, as a dying request, I want you to promise me that you will ride with mother at my funeral." "Well," said John, "Mary, I will do it, but it will spoil the day for me."

"The Lawyer's Relation to Politics." I thought when this subject was first broached, I would choose as a subject "The Biblical Lawyer," but in some way I have been diverted to a subject I absolutely know nothing about. The relationship of the lawyer to politics is largely like the relationship of the whale to Jonah, a sort of an absorbing relationship.

In the last Congress there were 341 lawyers, approximately, including, of course, judges, for judges are sometimes lawyers too, and this might give some credence to the story that is told of the little Sunday school boy, who, when asked where the wicked finally go, said, "They practice law for a while and then go to Congress;" and it also may give credence to the claim that we have too much law in the country. Senator Root had a compilation made of the number of laws and statutes enacted by Congress and by the Legislatures of the various States for the four years ending December 31, 1913, and it was found there were 62,000 statutes and 63,000 decisions of courts of last resort. I do

not believe even my good friend, Justice Salinger, knows all these decisions. I do not know how anybody can know all the laws that are being enacted, especially in view of the generosity of the Legislature in refusing to have them published. I do not know how the American citizen is going to keep out of jail if this law-making process goes on. James Bryce, in his *American Commonwealth*, devotes a chapter to the proposition as to why the best men do not go into politics and seems to infer that there is a certain lack of public spirit on the part of the good people of this country. In view of the fact that our Legislatures are largely dominated by lawyers, and Congress likewise, it is difficult to calmly accept the arraignment of Mr. Bryce and maintain a strict spirit of neutrality as to him. It may be true that the best people do not go into politics. It may be true that some lawyers go into law as a stepping stone to politics; it may be that some go into politics for pelf, but the great body of lawyers who do engage in our political life, are led there, as has been suggested tonight, by the love of the Constitution, a veneration for our institutions and a desire to seek a field where they can be of more service to humanity.

I know it is fashionable and popular to jeer at the lawyer. I remember when I was a boy, of reading a story of Peter the Great coming to England and there announcing that he had two lawyers in his kingdom and when he got home he was going to kill one of them. I remember reading in a southern paper about a lawyer down there leaving everything by his will to an asylum for the insane, because he felt that he ought to return the property to those from whom he had taken it.

There are lawyers in this Nation's history who have brought into politics the same zeal for good things that they have had in the law. The Dodsons and Foggs and Sergeant Buzfuzes will always exist in law and always exist in politics. The man in the law who is swayed by commercialism and is a legal grafter will become a political grafter in politics. The people attend to the political grafter; the Bar Associations ought to attend to the legal grafter. We may go back for the lawyer in politics to the name of Webster, who brought all his ability to political service;

and the ideal lawyer in politics, Abraham Lincoln; and another lawyer who is seldom mentioned, but some time he will be given his proper place, that is Thomas G. Sherman. In the Beecher trial he advanced nearly seventy thousand dollars out of his own pocket to pay expenses, because he believed an innocent man was being persecuted.

Over seven hundred times on the platform, he raised his voice in favor of justice to the negro and justice to the Indian, and of fair taxation of property. There is another great lawyer who has been doing something besides trying law suits and making money, a man who was a great Judge and President of the United States, now one of the two ex-Presidents, and I do not refer to the late discoverer of the River of Doubt, but I refer to that great lawyer who has come out of the President's chair and now is devoting a large part of his time to real public service, standing behind the President of the United States, and helping in every great work for humanity, a popular man, every day but election day, William Howard Taft.

Lawyers have taken courage into politics and that is something sadly needed. In the old days of the stamp tax, when the colonies were rent in twain, when Governor Colden had to set aside the temporary stamp tax, he wrote back to England, that the lawyers were responsible for this sedition, and if they would send out a few judges from England and a Solicitor General and make an example of a few lawyers, all this nonsense would stop.

A lady said to me when Woodrow Wilson was elected President, she was glad we had a President who was not a lawyer. I told her that Woodrow Wilson practiced law for two years in Atlanta. "Oh!" she said, "I am sorry to know that." But the calm man who is managing the affairs of this country to-day, carrying on his shoulders this great responsibility, is aided thereby in his resourcefulness, his mastery of these great questions, by his training as a lawyer.

Judge Wade, with that wonderful eloquence of his, has portrayed the Triumphs of Peace. I am glad he has gone on the Federal Bench. As a Republican I am glad, and I am sorry he doesn't like it, because I fear the knowledge that he is about to

resign will send a troop of aspirants down to Washington who are willing to take the job. He has pictured the Triumphs of Peace with matchless eloquence. Yes, it is a pretty troublesome time this old world is going through now. I confess I have been pessimistic. The bludgeon and the ax has appeared already in nations we supposed were civilized and christianized. What is the matter with this old world, anyhow? Is civilization a mere veneering? Is there any civilization left in this world? We cannot deny the great brotherhood of the race; we must not, but civilization is at stake, and if this great American Nation of ours, by any misconception of rights or any insistence upon rights unnecessarily, is drawn into this horrible vortex of war, we may as well concede civilization is a failure, and the business before the American people to-day, of course, is to stand by their rights; to stand for the rights of neutrals upon the sea; to protest against any invasion of those rights; but our business as a nation, if we honorably can, is to keep out of this war. No man can injure his country more, in private life or public life, than to do any of the irritating things that might plunge us under some false conception of pride into a bloody war.

I have heard it said by speakers that we had no patriotism left in this country and our flag was getting to be a dirty rag. Senator Fall said to me: "Our people won't fight; we are so swayed with commercialism that we won't fight." That is a mistake. We are too sensible to fight, unless there is some reason for it. We would fight for the real honor of our flag; we would fight for constitutional liberty; we would fight to preserve the principle that men are created equal before the law; we would fight to repel foreign invasion, and there would be just as much patriotism in the young men of this country as there was in the boys of sixty-one. We would be a good deal like the young man taking a civil service examination who was asked this question: "How many men did Great Britain send over here to subdue our country in the days of the Revolution?" The young man answered: "She sent over a d—— sight more than ever went back." There was a little fellow being examined as a page, by the name of John Hancock. He was asked: "Are you the John Hancock that

signed the Declaration of Independence?" He said: "No, but if I had been there, I would have signed it." This is the spirit that exists in the American people. When Patrick Henry heard of the victories of Concord and Bunker Hill he sent word to Massachusetts: "I am no longer a Virginian; I am an American."

And so to-day, in the time of national peril, it is a splendid tribute to our citizenship, regardless of party or creed or section of country, that the people of this Nation are standing squarely behind the man who is trying to guide this Nation through the troublesome seas of international difficulty, President Woodrow Wilson.

Lawyers get into politics because they love justice. Of course, they evince a certain willingness to accept the offices but they are actuated by this love of justice, and as long as that love of justice stays in the human heart the lawyer will be found in the political affairs of the country. The world is asking, not for charity, but for justice, and I disagree a little with my Keokuk friend from the neighborhood of the dam—up from the factories and the mines; up from the crowded tenement districts; up from the places where men toil and women work, there is a cry, not for charity, but for justice. And when that day comes, of absolute justice between men, the mission of the lawyer in politics will be ended, and his relationship thereto will be amply justified.

THE TOASTMASTER: This closes the program, and with the thanks of the Association to all who have contributed to our entertainment and to a better appreciation of the duties of our profession, we will say good-night.

FRIDAY FORENOON SESSION

9:30 A. M.

THE PRESIDENT: We have this morning two or three short reports from committees. I believe the report on the Torrens System of Land Titles is ready, and we will hear from Mr. O. P. Myers.

MR. MYERS: *Gentlemen of the Convention:* Your committee had a conference with a part of the committee from the Abstracters' Association, but we thought it not advisable or necessary to go into detail but would make our report, in a general way and refer you for the particulars to the report of last year.

REPORT OF COMMITTEE TO INVESTIGATE THE TORRENS OR OTHER LAND TITLE SYSTEM

To the Iowa State Bar Association: Your committee to investigate the Torrens or other Land Title System further and respectfully reports as follows:

That in accordance with suggestions in our former report last year and therewith adopted, there was presented to the Iowa Senate due resolution for the appointment of a commission to fully investigate this entire subject; but while favorably passed upon by one committee, it was finally abandoned in the closing days of the session.

There was also introduced in the Iowa Senate by Senator Clarkson, a resolution for a Constitutional Amendment providing full power for a modified Torrens Land Title statute, similar to such constitutional amendment in Ohio; but while receiving a good vote, it failed of passage.

Further and independently of your committee, however, there was also introduced in the Iowa House of Representatives by Representative Greene, House File No. 258, which bill covered generally the usual provisions of a modified Torrens land law;

but we are not fully advised as to its detailed contents. This bill was passed by the House of Representatives during the closing hours of the Legislature, but went no farther.

Your committee desires to call the attention of this Association to the report of a committee on the Torrens System, made to the Conference of Commissioners on Uniform State Laws of the American Bar Association, at its meeting in October, 1914. It covers pertinent matters and we quote the following extracts therefrom:

A second tentative act is presented to this Conference with the hope that time may be found for its full consideration. This draft has been made after a study of the Australian and Canadian Torrens Acts and of all the land registration acts passed in the United States. Since the last Conference, Mississippi has passed such an act, and there are now eleven States with legislation on this subject, namely, California, Colorado, Illinois, Massachusetts, Minnesota, Mississippi, North Carolina, New York, Ohio, Oregon and Washington. The matter is being actively agitated in other States, and the popular demand for such legislation is likely to be greatly increased by the passage of the Federal Reserve Act. . . . This act to a large extent removes the prohibition heretofore existing against loans on lands by national banks. . . . Few members of the American Bar have taken the time to study the provisions and operations of land registration acts. These acts in some respects present novel propositions, and it is in keeping with the traditions of the profession to question their constitutionality. . . . And so a respectable portion of the Bar begin by assuming that no land registration act could be passed in the United States which would not be liable to be upset on constitutional grounds. And though our courts have in direct contests sustained the present acts of the States mentioned above in every instance in which they have been attacked, there are still many lawyers who are inclined to doubt the constitutionality of such legislation. This doubt in most instances rests merely on vague general ideas with no accurate knowledge of what has been decided by the courts. It is believed that if the Bar were generally informed on this subject all doubts and opposition to land registration would disappear. . . .

Here follow many citations, which we insert for the convenience of the Iowa Bar.

- People v. Simon, 176 Ill. 165; 44 L. R. A. 801; 52 N. E. 910 (1898).
Tyler v. Judges, 175 Mass. 71; 51 L. R. A. 433; 55 N. E. 812 (1900).
State v. Westfall, 85 Minn. 437; 57 L. R. A. 297; 89 N. W. 175 (1902).
Robinson v. Kerrigan, 151 Cal. 41; 90 Pac. 129 (1907).
People v. Crissman, 41 Colo. 450; 92 Pac. 949 (1907).

Waugh v. Glos, 246 Ill. 604 (1910).

Tower v. Glos, 256 Ill. 121 (1912).

Peters v. Duluth, 119 Minn. 96; 137 N. W. 390 (1912).

American Land Co. v. Zeiss, 219 U. S. 47; 55 L. Ed. 82; 31 Sup. C. R. 200 (1911).

The report then continues:

It is evident from this review of the cases that every conceivable line of attack which could commend itself to the critics and enemies of land registration has been followed and pressed to a conclusion both in the State and Federal Courts. In reviewing the decisions one is struck by the ingenuity no less than the persistency of counsel in raising every objection likely to command the action of the courts. Nor have these attacks been confined to the courts, but no effort has been spared to convince every legislature which has taken up the subject, of the dangers of such legislation not only from a constitutional but from a practical point of view. Every act passed in the United States bears on its face the scars of desperate conflict. It is doubtful whether any legislation has ever been assailed with more bitterness or greater persistency than this; and unfortunately its antagonists have generally succeeded in marring the act even when they have been unable to defeat it.

This report is in Vol. I, No. 1, of *The American Bar Association Journal*. The Commissioners on Uniform State Laws, after some discussion, made an appropriation for printing the draft of the Torrens statute.

It has always been the position of your committee that the very fullest investigation be had in this matter; and that it serves no useful purpose to try to secure some hasty, transient, technical advantage in either legislation or decision. Our lands and titles and our homes should rest upon the safest and broadest foundations. There are many who do not believe a constitutional amendment necessary herein, and it may not be necessary. Several state supreme courts have held such statutes constitutional. But there are various angles to these laws, including the question of guaranty and assurance not very fully digested, and in order to obviate every possible constitutional uncertainty in future supreme courts, and to save the delay in such decisions, your committee favors a constitutional amendment in this matter. The State of Ohio has such constitutional amendment; and we are advised that Virginia also has established a similar constitu-

tional amendment for a modified Torrens statute. And we therefore expressly urge this Association to use its good offices for such purpose.

Respectfully submitted,

O. P. MYERS, *Chairman,*

JOHN T. CLARKSON,

C. H. VAN LAW,

E. G. WHITNEY,

Committee.

MR. MYERS: Now, Mr. President, I wish to make a motion, and want to make a remark before I do that. I do not suppose there is any question in the minds of any one here, as the matter has been thoroughly passed upon by many of our Supreme Courts, that the State of Iowa has full inherent power to control its own land laws and land titles. Now, gentlemen, we have no time for discussion and it would hardly be fair to ask you without further discussion to make up your minds this morning.

I move you this report be printed in the minutes and that this committee be continued for further report.

The motion was duly seconded and carried.

THE PRESIDENT: I am advised that the chairman of the Committee on Grievances has a short suggestion or report to make.

MR. J. L. CARNEY: The Committee on Grievances have a short report to submit, and because of my long time acquaintance with my own writing I beg leave to read it:

REPORT OF GRIEVANCES COMMITTEE

To the Iowa State Bar Association: Your Committee on Grievances begs leave to report, that in the discharge of its duty, the committee has investigated certain charges made against certain members of the profession, have taken some testimony, but in no instance have the persons who caused the charges to be made, appeared before the committee, and after using its best efforts to arrive at the truth, the committee have no further report to make or action to recommend to the Association.

J. L. CARNEY, *Chairman.*

Upon motion duly made the report was adopted.

THE PRESIDENT: The chairman of the committee appointed a year ago to secure a change in the laws concerning the Selection of Jurors has also a short report to make, which we will hear now.

MR. WM. MCNETT: *Gentlemen of the Iowa Bar:* As I have said, the Committee on Law Reform, the report of which will come up this afternoon, has put into interrogatory form this proposition, and it was thought best, since a special committee was appointed at the last session of this Association at Burlington, to make a written report, and that this report should be presented this morning. We had found it difficult to be heard on the report of the Committee on Law Reform because when that committee was ready to report, a large number of the members had gone to their homes.

Senator Saunders, Mr. Hise and myself composed the special committee, and we took up the matter, as we were all interested, and after a considerable correspondence and a meeting with each other, a bill was carefully prepared, substantially along the same lines as that prepared four or five years ago. That bill was submitted to Judge Deemer and received his approval. I will say here, Judge Deemer and all the members of the Supreme Court believe in the movement to have some different method of selecting jurors, particularly in counties having cities of twenty thousand and upwards of population.

I am not going into the law as it now stands. You are familiar with the fact that the judges of election, after summing up the vote of the election, then undertake to perform the most important duty, namely, the selection of names of persons to sit upon the jury to adjudicate important matters of dispute. We went into a research of the matter to find out to what extent this commission method of selecting jurors had been followed. I am going to read only briefly from the report we have made, and I want to say that this report will be printed in the Proceedings, and when you have received your volume of the Proceedings, I would like to invite you especially to examine this report and see

what other States have done and with what success they are meeting.

Now, I am going to read the report of this committee, making only slight reference to the exhibits attached to the report:

REPORT OF SPECIAL COMMITTEE ON SELECTION OF JURORS

To the Iowa State Bar Association:

Your special Committee on the Selection of Jurors respectfully reports that after appointment by President Dawley, we collected data, held conferences, and drafted a bill which was afterwards presented to the Thirty-sixth General Assembly of Iowa, being introduced by Senator C. F. Kimball of Council Bluffs, and designated and known as *Senate File No. 313*, copy of which said bill is attached to this report as Exhibit "A", for reference.

Your committee is greatly indebted to Mr. A. J. Small, Librarian of the Iowa State Law Library, for valuable and detailed information concerning the States where the Jury Commission plan has already been adopted. We found that twenty-one States have already adopted and have in force the Jury Commission plan; that none of the States where said plan has been adopted and used have ever gone back to the old method of selecting juries; that prominent jurists, lawyers, officials, and citizens in those States where the Jury Commission plan is in force, report, almost without exception, that same is highly satisfactory, and a vast improvement over the old plan.

Your committee, after going over the provisions of the statutes of the various States where the Jury Commission plan is in force, embodied in the bill presented by us, what we considered the best features thereof. In view of the fact, well known to the members of the Bar, that the greatest objection to the present plan arises by reason of conditions existing in the large cities of the State, your committee thought best to make the provisions of the proposed bill applicable only to counties containing cities with a population of twenty thousand or over. While the committee was unanimous in the thought that the proposed plan would be a

good thing for the whole State, yet, for the reason above stated, and for the further reason that it seemed doubtful whether a bill applying to the whole State could be passed, we thought best to limit its operation to counties with cities of twenty thousand or over; then, if the new plan worked out satisfactorily, future legislatures could extend its operations to such other counties of the State as occasion demanded.

Your committee also aimed in the proposed bill to have the Judges of the District Court, or a majority thereof, appoint the jury commissioners from various parts of the county and different political parties, said commissioners to be reputable citizens of good moral character, having no litigation or interest to be handled or disposed of at the term of court for which they selected the jury list.

It was further thought best by your committee, and the bill so provided, that such commissioners should be selected by said District Judges, sworn, and placed in a room, and furnished with poll books, and required to prepare the list of jurors for the required term of court, in an absolutely secret manner, and without the possibility of such commissioners being communicated with or given suggestions, or furnished with names, prior to the making up of said list, severe penalties being provided for any violation of these provisions.

Your committee further thought, and it was provided in the bill, that the term of service of jurors should not exceed two or three weeks, and that presiding judges cannot excuse jurors from service for any cause except sickness of the juror himself, or illness or death of some member of his immediate family; the idea being, in the opinion of the committee, that if the time for service was shortened, as above suggested, the average citizen would be glad to serve and not ask to be excused.

It was further thought by your committee, and investigation proved same to be a fact, that the proposed plan would not only result in securing a higher and better grade of jurors mentally, morally, and physically, but it would also result in a tremendous saving of expense to the county and the State.

In the opinion of your committee, the general benefits that

might reasonably be expected to result from the adoption of the proposed plan, may be briefly summarized as follows:

A.

(1) Most important of all, it is expected that the plan will result in securing a higher and better grade of jurors, mentally, morally and physically, to try important cases than are secured under the present system. (2) That the proposed plan will, to a large degree, eliminate petty politics or what is known as the local ward heeler, from having anything to do with the selection of jurors. (3) The litigants, in cases tried to jurors under the proposed plan, will be better satisfied with the result and less likely to appeal.

B.

(1) The proposed plan will result in a tremendous saving of expenses, because (a) only jurors who actually serve will be summoned, thus saving the expense incurred by officers in summoning those who do not respond or are afterwards excused; (b) also saving the expense of mileage and per diem for jurors who actually respond but are excused; (c) where cases are tried to a higher and better grade of jurors, such as it is expected will be obtained under the proposed plan, there will be fewer trials; fewer new trials granted by the trial court; fewer appeals to the Supreme Court; fewer reversals by the Supreme Court; and fewer re-trials in the lower court, all of which will greatly and materially lessen the expense of litigation; (d) where cases are tried to high grade jurors, the trial court is much less inclined to grant a new trial, or the losing party to appeal, than where said case is tried to a jury such as is secured under the present plan in the larger cities.

When the bill known as *Senate File No. 313* was introduced, it was referred to Judiciary Committee No. 2, headed by Senator D. C. Chase of Hamilton County, and consisting of the following Senators: Crist, Larrabee, Thompson, Whitmore, Helmer, Wilson, Hilsinger, Hagemann, Gillette, and Quigley.

Your committee held a conference in Des Moines, and arranged for a hearing on the proposed bill before the said Senate Judiciary Committee. At this hearing there were present, besides all the members of this committee, prominent judges, such as Honorable Charles A. Dudley and William H. McHenry of Polk County, and a committee of prominent citizens of Des Moines. A vigorous and careful presentation of the facts and data in support of said bill was made to the committee, and at the conclusion of said hearing, it seemed that practically all of the Senators comprising the Judiciary Committee were satisfied that the proposed bill was a good one, and should be favorably reported and enacted into a law. However, when the Judiciary Committee took action upon this bill, the vote resulted in a tie. Senator Chase, being Chairman of said Committee, voted against the bill, and as a result, it was reported out unfavorably.

Attached to this report, as Exhibit "B", is a brief memoranda of facts and data prepared by your committee, in support of said bill, and a copy of which was delivered to each Senator comprising the Judiciary Committee. A vigorous effort was made on the floor of the Senate, notwithstanding the unfavorable report of the Judiciary Committee, to pass the bill, but without success.

Your committee is more firmly of the opinion than ever, that the proposed plan is a good one, and should be enacted into a law. We, therefore, recommend that a new and larger committee be appointed for the purpose of presenting a bill covering the question, to the next Legislature, and that such committee take such legitimate action as may be deemed proper, to secure the passage and adoption of such a law.

Respectfully submitted,

WM. MCNETT, *Chairman.*

C. G. SAUNDERS,

GEO. E. HISE.

EXHIBIT "A"

Senate File No. 313—By Kimball
Judiciary No. 2

A BILL

FOR AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO SELECT JURORS, INCLUDING GRAND JURORS, PETIT JURORS AND TALESMEN IN ALL COUNTIES OF THE STATE OF IOWA HAVING A POPULATION OF TWENTY THOUSAND (20,000) OR OVER, AND IN WHICH THERE IS ANY CITY WITH A POPULATION OF TEN THOUSAND (10,000), OR OVER, AND FIXING THE TIME FOR WHICH JURORS MAY BE REQUIRED TO SERVE, PRESCRIBING THE DUTIES THEREOF, AND FIXING PENALTIES FOR THE VIOLATION OF THIS ACT; ALSO PROVIDING FOR THE REPEAL OF SECTION THREE HUNDRED AND THIRTY-FOUR (334) OF THE CODE OF IOWA, AND ENACTING A SUBSTITUTE THEREFOR, AND PROVIDING FOR THE REPEAL OF CHAPTER SEVENTEEN (17) OF THE ACTS OF THE THIRTY-FOURTH GENERAL ASSEMBLY OF IOWA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That in all counties of this state having a population of twenty thousand (20,000) or over, and in which there is any city with a population of ten thousand (10,000) or over, as shown by the last preceding official state or United States census, the grand and petit jurors, including talesmen, shall be selected, drawn and summoned in the following manner:

Sec. 2. The judge of the district court of each judicial district, or a majority of said judges, where there are more than one, within thirty (30) days prior to the first day of each term of court, shall select and appoint from among the freeholders and qualified electors of each county in which such court is to be held, in any county having a population of twenty thousand (20,000) or over, and in which there is a city with a population of ten thousand (10,000) or over, as hereinbefore provided in section 1, five (5) intelligent and discreet men over twenty-one (21) years of age, of good moral character and residing in different portions of the county, and having no actions pending in such court requiring the intervention of a jury to act and serve as a jury commission for the next ensuing term of such court. No person shall be eligible to serve upon such jury commission oftener than once in each calendar year. Said body, when so appointed, shall be known as "a jury commission."

Sec. 3. Such commissioners so appointed by the judge or judges shall be

notified of their appointment by service upon each of them of a copy of the order of the court making such appointment, and this service may be made by the sheriff, his deputy or any person appointed therefor by such judge or judges. The person so appointed to serve such notice shall receive as compensation therefor the ordinary fee and mileage provided by law for the service of an original notice, to be paid out of the county treasury upon order of the judge or judges.

A failure of any person so appointed and served to appear before the court or judge at the time and place provided by such order, without good and sufficient cause therefor, shall be a contempt of court, and may be punished accordingly.

Upon appearance before the judge or judges, unless excused for good cause, the judge or court before whom they shall appear shall administer to them and each of them the following oath:

"You and each of you do solemnly swear that you will well and truly, and to the best of your knowledge, skill and ability, perform the duty of jury commissioner for this court; that you will select for jury service only men whom you honestly believe to be qualified, by intelligence and integrity, for the performance of jury duty; that you will neither select nor reject any because of his religious or political belief; that you will select no one that has sought a place upon the jury for himself, or for whom a place has been sought by another; that you will faithfully report to the court any attempt made, directly or indirectly, by any person or persons to bias or influence you in the selection or rejection of the name or names of any person or persons to be placed upon the jury list; that you will select no man for jury service for any other reason than because of your belief in his fitness and qualifications for the service to be performed; that you will not make known to any one outside of the commission the name of any man selected by you and reported on your list; that you will not, directly or indirectly, converse with any one selected by you as a jury man concerning the merits of any suit to be tried in this court."

Not more than three (3) of said commission shall be appointed from residents of cities or towns in the county, nor shall any person holding a state, county, city, town or township office in the county be eligible to be appointed on said jury commission, but a notary public shall not be disqualified by holding such position.

The sitting judge, or a majority of the sitting judges, where more than one is presiding in the county where such commission is acting, shall have the power at any time with or without reason assigned to cancel the appointment of any jury commissioner, and to appoint another to fill the vacancy, and any vacancy existing in the commission may likewise be filled; likewise a new commission may be appointed where it should become necessary to order the making of a new jury list; such judge, or a majority of such judges, may quash the entire jury list if they deem it advisable and order

a new list drawn, and the quashing of such list shall operate to quash a panel drawn from such list, unless otherwise ordered by the court.

Sec. 4. The jury commissioners shall hold their meeting in some room to be provided by the board of supervisors in the court house of each county, and designated by said judge or judges, or a majority of the judges of said district, where there are more than one, and shall, while in session, be under the charge of the bailiff, who shall be appointed and sworn by one of the judges not to permit any person to speak to any of them or hold any communication with any of them in any manner whatsoever except upon the order of one of the judges, nor to communicate with them himself except in respect to their personal wants, while they have under consideration the selection of the jury list. And while engaged in making the list of jurors and selecting the names, no person shall be permitted to be in the room with such commission. The bailiff so appointed by the judges shall be paid the same per diem and in the same manner as other bailiffs now provided by the law.

The said jury commission shall assemble not less than twenty (20) days before the first day of each succeeding term of court, and shall, from the qualified electors of each county, who were entitled to vote at the last preceding general election, whether such elector did in fact vote or not, elect a list of persons of good character, sound judgment and reasonable information, and possessing all the other qualifications of jurors, as now provided by law, in such number as may be ordered by the court from which the grand jurors, petit jurors and talesmen shall thereafter be drawn as hereinafter provided. They shall omit from such list the name of any person who has requested or indicated, directly or indirectly, a desire to be placed upon such jury list, and all persons who have served, either upon the grand or petit jury in the preceding calendar year.

For the purpose of aiding the commission in making a selection of the names heretofore provided for, the county auditor shall furnish to the jury commissioners and put in their possession for their use, while in session, the poll books and records of the last preceding general election, and the clerk of the court shall provide said commission with a list of the persons who served as jurors or grand jurors during the preceding calendar year.

No person shall be put upon the said jury list unless he is approved as a juror by a majority of such jury commission. And if for any reason the jury list shall not be prepared by the jury commission within ten days prior to the beginning of any succeeding term of court, they shall prepare the same under the order of one of the said judges, or a majority as above stated, or the court, if in session at the time and place fixed by such order, and a failure to comply therewith by the jury commission after the service of such order upon them shall be contempt of court, and subject each and every member of such jury commission responsible for such failure, to a fine of not less than ten dollars (\$10.00) or more than one hundred dollars

(\$100.00), or imprisonment in the county jail not to exceed thirty (30) days, in the discretion of the judge or court.

The jury commission for the first term of court to be held in each calendar year shall prepare a list of one hundred and fifty (150) persons in each county from which to select grand jurors for the ensuing year in the manner now provided by law, and a list of petit jurors and talesmen in such number as may be ordered by the court, and each succeeding jury commission shall select such number of petit jurors and talesmen as the court shall order. And having completed the list of such petit jurors and talesmen they shall file the same with the auditor of the county. It shall be the duty of the clerk, auditor and recorder, acting together, to forthwith place the name of each person certified to the auditor by the jury commission upon a separate ballot, which shall be uniform in size, color and paper, and so folded as to conceal the name of the ballot, and they shall then place the several names of the grand jurors, jurors and talesmen respectively in separate boxes, and the said boxes shall be sealed and cared for as now provided by law.

Sec. 5. The panels of grand and petit jurors shall be drawn by the clerk, the county auditor and county recorder in the manner now provided by law, and each succeeding panel of petit jurors as hereinafter provided shall be drawn in the same manner. Whenever talesmen are to be drawn upon the order of the court, they shall be drawn by the clerk of the court from the talesmen box in the presence and under the direction of the presiding judge, and the talesmen box shall be unsealed and sealed in the presence of the judge at each drawing.

At all times when jurymen are not being drawn the jury ballot boxes shall remain sealed and in the custody of the clerk of the court.

Each jury commissioner shall be allowed the sum of four dollars (\$4.00) per day for his services as such commissioner and mileage at the rate of five cents per mile for each mile actually traveled in attending upon a session of the jury commission, to be paid by the county upon the certificate of the clerk of the court, and the jury commission shall not remain in session at any one time to exceed three (3) days except upon the order of the court, and for good reason shown.

Any person who shall seek in any manner to influence the action of a jury commissioner, or shall request any member of any jury commission to place his name, or the name of any other person upon the jury list, shall be guilty of contempt of court, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding sixty (60) days.

Sec. 6. Section 334 of the code of Iowa is hereby repealed and the following is enacted in lieu thereof:

No person shall be excused from jury service on account of his business interests, or for any reason personal to himself, except sickness of himself or

sickness or death of some member of his family requires his absence from the court, or unless engaged in such public service as requires his exemption.

Any person who knowingly makes any false affidavit or statement in open court, or claim, for the purpose of relieving himself from service as a juror, shall upon conviction thereof be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail not more than thirty (30) days, or the court may punish such person as for contempt.

Sec. 7. No person shall be required to serve as a juror longer than two consecutive weeks at any term of court, except it may be necessary to finish a case already commenced during such two weeks. And if at any term of court a jury is required for a greater length of time than two weeks the court shall order a new panel drawn for each successive period of two weeks in the manner herein provided.

Sec. 8. Chapter 17 of the acts of the Thirty-fourth General Assembly, and all other acts or parts of acts in conflict herewith are hereby repealed.

Sec. 9. Where any county is divided for court purposes into two districts or divisions, an exclusive jurisdiction is given to each court. Each division, for the purpose of this act, shall be treated as a separate county.

Sec. 10. The grand jury list drawn for the year 1915 shall remain in force and effect during all of said year, notwithstanding the provisions of this act, and in the event that it shall be necessary for a new list of grand jurors to be drawn in any county during the year 1915, the same shall be drawn under the provisions of law that were in effect prior to the fourth day of July, 1915.

EXHIBIT "B"

MEMORANDA OF FACTS IN SUPPORT OF JURY COMMISSION BILL SENATE FILE NO. 313

I

The following data is furnished by Mr. A. J. Small, Librarian, Iowa State Law Library:

First. The following twenty-one (21) States have Jury Commissions, to-wit:

Alabama, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Missouri, Louisiana, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, West Virginia, Wisconsin.

Second. The Jury Commission statutes of the various States above mentioned, briefly summarized, provide as follows:

Alabama. A Jury Commission is created for every county in the State.

Commission to consist of three members to be appointed by the Governor for a term of three years.

Commissioners shall be qualified electors and free holders or householders of the county, and must be under seventy years of age, and able to read and write.

Salary of Commissioners shall be \$5.00 per day for each day actually employed.

Jury Commission to meet at county seat the first Monday in October.

Jurors must be over twenty-one, and under sixty-five years of age, of good moral character and able to read and write the English language.

Special Session 1909: p. 305.

Colorado. Jury Commission established in counties of not less than 50,000 or more than 100,000 population.

A jury commissioner to be appointed by the Judges of the courts of record of the counties.

Jury Commissioner shall be qualified elector not less than thirty years of age and must have been a resident of the county for five years.

Commissioner to give bond of not less than \$2000.00 or more than \$5000.00.

Salary of Jury Commissioner shall be \$300 per annum.

Laws 1913. Chap. 106: p. 392.

Connecticut. Jury Committee established in cities whose territorial limits are the same as those of the town in which they are located.

Mayor to appoint three electors no more than two of whom shall belong to the same political party, to serve as a jury committee, for one year.

Jury Committee shall meet annually in the month of May.

Public Acts, 1909. Chap. 223, p. 1167.

Delaware. A Jury Commission is created for each county in the State.

Commission to consist of two members to be appointed by the Law Judges of the State for a term of one year.

Commissioners to be suitable persons and not of the same political party.

Salary of Jury Commissioners shall be ten dollars for each jury drawn.

Jury Commissioners shall meet in the month of December of each year.

Laws 1906, 1907 (Vol. 24). Chap. 244, p. 648.

Georgia. Jury Commission established.

Jury Commission to consist of six members to be appointed by the Judge of the Superior Court for a term of six years.

Jury Commission to meet every two years in the month of August except in counties where there is an incorporated town of more than 10,000 population in which counties they shall meet annually.

Code 1911, Vol. 2, p. 164. Sec. 813.

Illinois. Jury Commission established in counties having a population of more than 250,000.

Commission to consist of three members to be appointed by the Judges of the several courts of record of such county for a term of three years. Commissioners shall execute a bond in such sum as shall be approved by the Judges.

Salary of Jury Commissioners to be fixed by the County Boards.

Jones and Addington Ann. Stats. 1913. Vol. 4, p. 3758. Sec. 68.

Indiana. Jury Commission to consist of two members appointed by the Circuit Court for a term of one year.

Commissioners shall be freeholders and voters of opposite political parties, and of good character for intelligence, morality and integrity.

Salary of Jury Commissioners shall be three dollars per day for time actually employed.

Burns Annotated Stats. 1908, Vol. 1, Sec. 1664, p. 810.

Kansas. Trustee of each organized township shall select the jurors of such township.

Selection to be made yearly in month of April.

Salary of officers attending the drawing of juries shall be two dollars per day.

General Stats. 1909, p. 1032.

Kentucky. A Jury Commission is created for every county in the State.

Commission to consist of three members to be appointed by the Circuit Judge of each county to serve for a year.

Commissioners to be qualified electors, intelligent and discreet house-keepers, over twenty-one years of age.

Salary of Commissioners shall be two dollars per day for time actually engaged in this service.

Laws 1912, p. 452.

Louisiana. Provides for a Jury Commission.

Commission to consist of five men who are appointed by the District Judges to hold office at pleasure of Judges.

Commissioners shall be good men and true, able to read and write the English language.

Jury Commission shall meet and revise jury lists semiannually.

Jury Commission shall receive three dollars per day when in actual attendance upon the duties of the office and five cents per mile for every mile traveled in coming to and going from the court house.

Revised Laws, Vol. 1, p. 972.

Missouri. Jury Commission provided for in counties with cities of 100,000 to 400,000 population.

Circuit Judges and Judges of court having jurisdiction in felony cases to constitute a Jury Commission.

Members of the Jury Commission shall receive a salary of \$1500 per annum.

Laws 1913: p. 393.

New Jersey. Jury Commission provided for.

Commission to consist of one member appointed by the Chancellor of the State who with the sheriff of the county shall constitute the Commission.

Appointed Commissioner to hold office for two years.

Compensation to be fixed by Judge of the Circuit Court but must not exceed \$900.00 per annum.

Commission to meet thirty days prior to the term of the Circuit Court and arrange jury lists.

Laws 1913, p. 828.

New York. Provides for a Commissioner of Juries in seven counties and any other counties whose superior adopts resolutions for the establishment of said office.

Commissioner to be appointed by Justice of the Supreme Court, County Judge and County Clerk for a term of five years and shall give a satisfactory bond of not less than \$2000.00.

Compensation in counties of more than 100,000 population, \$1500 per annum, in counties of 150,000 and not more than 300,000 population, \$3000.00 per annum.

Counties to provide suitable rooms and accommodations for Jury Commission.

In counties having a population of more than 65,000, jury commissioners may appoint an assistant.

B-C and G. Consol. Laws, Vol. 5, p. 2990.

Ohio. Provides for a Jury Commission in every county.

Commission to consist of four members to be appointed by the Judge of the Common Pleas Court for a term of one year.

Commissioners shall be freehold electors and not more than two shall be of the same political party.

P. and A. Gen. Code, Sec. 11421.

For each day necessarily employed Commissioners shall receive a salary of \$5.00.

Laws 1913: p. 512.

Pennsylvania. Provides for a Jury Commission.

Commission to consist of two members elected by popular ballot for a term of two years.

Commissioners shall be sober, intelligent and judicious persons and shall have resided in the county for three years.

Purdons Dig., Vol. 2, page 2062.

Salary of Jury Commissioners shall be \$4.00 per day and four cents for each circular mile traveled in discharge of their duties.

Laws, 1913, p. 567.

Commission to meet thirty days prior to the term of the Court of Common Pleas.

Purdons Dig., Vol. 2, p. 2062.

South Carolina. Provides for a Jury Commission.

Jury Commission to consist of County Auditor, County Treasurer and Clerk of the Common Pleas Court.

Jury Commission shall serve without compensation.

Code of South Carolina, 1912, p. 1109.

Tennessee. Provides for a Jury Commission in certain counties.

Jury Commission to consist of three members to be appointed by the Circuit Judge for one year.

Commissioners shall receive a salary of two dollars for every day service in making jury lists.

Commissioners shall be householders and freeholders of the county and not more than two of the same political party.

Private Acts, 1911, p. 742.

Texas. Provides for a Jury Commission.

Jury Commission to consist of three members to be appointed by the District Court of each county.

Jury Commissioner shall be intelligent and able to read and write, they shall be qualified jurors and freeholders, residents of different parts of the county.

Compensation of jury commissioners shall be the same as for petit and grand jurors.

McEchins Civil Stats. 1913, p. 1832.

Utah. Provides for a Jury Commission.

Jury Commission to consist of two members appointed by the Judges of the District Court for a term of one year.

Jury Commissioners shall be of opposite politics and of good character for intelligence, morality and integrity.

Jury Commissioners shall meet before the 15th day of December each year.

Jury Commissioners shall receive a salary of \$3.00 per day for each day actually engaged in jury duty.

Compiled Laws, 1907, p. 563.

West Virginia. Provides for a Jury Commission.

Jury Commission to consist of two members to be appointed by the Judge of the Circuit Court for a term of four years.

Jury Commissioners shall be of opposite political parties, citizens of good standing, and residents of the county for which they are appointed.

Wisconsin. Provides for a Jury Commission.

Jury Commission to consist of three members appointed by the Circuit Judge for a term of three years.

Commissioners shall be freeholders of the county.

Salary of commissioners shall be \$5.00 per day for each day actually spent in official service.

Wisconsin Stats. 1911, p. 1576.

Third. Excerpts from letters of prominent jurists, lawyers and officials showing how the Jury Commission system is regarded in some of the States where it is used.

“A”

Alabama, May 29, 1914.

Beg to advise that so far as I know the method proves satisfactory.

CYRUS B. BROWN,
Secretary of State.

“B”

Relative to the success of the “Jury Commission Law” there can be no question in doing away with professional jurors, and the persistent use of illiterate and idle men, and men who have failed in all avocations of life is past history, and because of the tremendous success of the new law, will never be resorted to again.

Objections to the new law are so rare and so few that it might be said the approval of our citizenship is almost unanimous. This office has been most successful, and the commendation of the judges, attorneys, litigants and jurors can be heard in our courts many times a day. At first, business men objected to jury service, thinking only of their own valuable time and convenience, but this seeming selfishness is being gradually overcome and such men are giving their time and service with greater pleasure and general satisfaction.

P. R. RIORDAN,
Jury Commissioner, City and County of Denver.

“C”

Dover, Del., June 1, 1914.

The original Act has been in force in this State about seven years and is very satisfactory in every way.

THOMAS W. MILLER,
Secretary of State.

“D”

The Illinois jury commission law of 1897, so far as we know, is in use only in Cook County. It seems to me it would require considerable modification in the State of Iowa because there is no city of metropolitan size, but the information which I am glad to furnish will undoubtedly be of some value to you.

WILLIAM A. AMBERG,
Commissioner. (Relates only to the city of Chicago.)

“E”

In Kentucky, every county has its “Trustee of the Jury Fund.” This official pays all jury claims of the county from a fund supplied by the State and find it is an excellent way of handling the matter.

SECRETARY OF STATE.

"F"

Office of the Jury Commissioners
City of St. Louis, Missouri

St. Louis, May 29, 1914.

We find our system a good one. If I could change our law it would be to have each man appear personally at the commissioner's office to give his own information, instead of making a canvass. We select as we call it. The New York City law is similar to this. I like our system better than any other that I have examined. It has no particular weakness.

(Relates only to the city of St. Louis.)

AMOS L. SEAMAN,
Jury Commissioner.

"G"

Ohio, June 1, 1914.

So far as we know said law has given entire satisfaction, the result being that better men are called to the jury box than was the case prior to the adoption of said law.

CHARLES FOLLETT,
First Assistant Attorney General.

"H"

Tennessee, May 29, 1914.

My information is that the counties operating under the jury commission law are very much pleased with it.

R. B. SNEED,
Secretary of State.

"I"

Utah, June 1, 1914.

I am pleased to advise you that these laws are giving eminent satisfaction.

DAVID MATTSO, Secretary of State.
By T. L. HOLMAN, Deputy.

"J"

Wisconsin, June 1, 1914.

It (our jury commission law) works very satisfactorily, and is a distinct improvement over the system which we had in Wisconsin prior to its enactment, as it results in a more intelligent class of jurors.

FILSON G. GLASIER,
Librarian.

Fourth. Some of the benefits expected to result from the adoption of the Jury Commission plan.

"A"

(1) Most important of all, it is expected that the plan will result in securing a higher and better grade of jurors, mentally, morally and physio-

ally, to try important cases than are secured under the present system. (2) That the proposed plan will, to a large degree, eliminate petty politics or what is known as the local ward heeler from having anything to do with the selection of jurors. (3) The litigants, in cases tried to jurors under the proposed plan, will be better satisfied with the result and less likely to appeal.

“B”

(1) The proposed plan will result in a tremendous saving of expenses, because (a) only jurors who actually serve will be summoned, thus saving the expense incurred by officers in summoning those who do not respond or are afterwards excused; (b) also saving the expense of mileage and per diem for jurors who actually respond but are excused; (c) where cases are tried to a higher and better grade of jurors, such as it is expected will be obtained under the proposed plan, there will be fewer trials; fewer new trials granted by the trial court; fewer appeals to the Supreme Court; fewer reversals by the Supreme Court; and fewer re-trials in the lower court, all of which will greatly and materially lessen the expense of litigation; (d) where cases are tried to high grade jurors, the trial court is much less inclined to grant a new trial, or the losing party to appeal, than where said case is tried to a jury such as is secured under the present plan in the larger cities.

“C”

The Jury Situation in Polk County, Iowa, for the Year 1914

Jurors called for January 1914 Term.....	154
Jurors called for March 1914 Term.....	155
Jurors called for May 1914 Term.....	144
Jurors called for September 1914 Term.....	155
Jurors called for November 1914 Term.....	174
Total names drawn for year.....	782
Jurors who have served during term.....	320
Jurors responded to call, excused, and paid.....	154
Jurors not found by sheriff or excused before return day, or who have removed from the county or State.....	308
Amount paid jurors who responded but did not serve.....	\$576.55
(The above expense does not include expenses of Sheriff.)	

The above shows that almost fifty per cent of the jurors drawn from the list as returned by the election judges are either not found, or are excused before return day by the courts.

MR. MCNETT: Now, gentlemen, this report will be printed in the minutes and I beg to call your special attention to it when you get the printed proceedings of this meeting. I want you to

examine this bill, and I feel quite well satisfied that after you have done so, you will sustain it.

There is a recommendation here that the committee should be larger, and I think it should be. The appointment of members on this committee should be made by our new President, and I have no doubt a committee satisfactory to us will be selected.

I move the adoption of this report.

The motion was duly seconded and carried.

MR. C. G. SAUNDERS: I move you, sir, that this committee be continued and that it be enlarged so that it embraces one member from each Congressional District of the State.

The motion was duly seconded and carried.

THE PRESIDENT: There is a short report from the Committee on Uniform Laws, which will be read by the Secretary.

REPORT OF COMMITTEE ON UNIFORM STATE LAWS

Your Committee on Uniform State Laws begs leave to report that there was formulated by the committee and introduced into the proceedings of the Senate of the Thirty-sixth General Assembly of Iowa a bill embodying the provisions of the Uniform Sales Act in form and substance such as has been adopted in some eleven different States, and which has the approval of the American Bar Association. This bill met with the favorable consideration of the Senate Committee but it was not possible to secure the adoption of the bill by the last General Assembly.

Your committee would recommend the further effort of the Association to secure the adoption of the act above referred to and to that end would recommend the appointment of a new committee to which the matter may be specially referred.

Respectfully submitted,

C. H. VAN LAW, *Chairman,*

J. A. DEVITT,

I. N. FLICKINGER,

H. C. HORACK,

Committee.

THE PRESIDENT: I now have the pleasure of introducing Mr. Fred W. Sargent, of Des Moines, who will present a paper on the subject "Dismissing Without Prejudice."

"DISMISSING WITHOUT PREJUDICE"

On April 16th, 1915, an item appeared in the *St. Paul Dispatch*, signed "A Taxpayer," which article read as follows:

To the Editor of the Dispatch:

I have read a number of open letters published in the columns of your newspaper relative to the shameful abuse of the privileges of our courts by soliciting lawyers and their agents. I am at a loss to understand how any self-respecting person can have the effrontery to condone this practice. Of course, I understand that the four or five firms of soliciting lawyers who are enriching themselves through imposing upon the taxpayers of this county are vitally interested in not being disturbed in the enjoyment of the privileges which are making them wealthy at the expense of our taxpayers. I can understand that each of these lawyers might have a friend or two sufficiently interested in them to write letters to newspapers in an attempt to throw dust in the eyes of the people. It seems to me any person who opposes the enactment of remedial legislation must be an interested person, a person who must necessarily by directly, or indirectly, profiting through the plan of bringing outsiders here from other states to sue corporations. I should estimate the ratio of interested persons in the damage suit industry at about one thousand to one; that is, about one thousand persons are in favor of remedial legislation where there is one opposed to it, and in a situation of this kind the opposition of the one will usually amount to a good deal when it comes to the matter of noise.

I have not yet heard of a single disinterested person who favored turning our courts over to four or five damage suit lawyers to be used by them practically as their own property, in the furtherance of their private business. The proposition of the people of Ramsey County furnishing damage suit lawyers with these facilities is, in effect, about the same as if the taxpayers of the county would acquire buildings and pick out four or five merchants and furnish them with free rent, free lights, free shelving for their wares, free heat, free bookkeepers, etc. Why should we discriminate against our merchants and in favor of a few damage suit lawyers? The courts are presumed to be maintained at public expense for the use of our citizens. We are not supposed to maintain them as a convenience for a few lawyers who have huge soliciting organizations. By all means let the legislature give us relief.

The foregoing appeared after many news items in the Minne-

apolis and St. Paul papers relating to astonishing disclosures in the month of April, 1915, concerning fraudulent methods of personal injury lawyers in the Twin Cities. These news items referred specifically to a certain case brought by one William B. Chambers against the Illinois Central Railroad Company. In this case Chambers claimed that he had fallen from a freight train by reason of a loose handhold. He was immediately solicited by a certain St. Paul attorney, to whom he gave his case, and an action was brought against the railroad company claiming damages in the amount of \$25,000. Chambers submitted himself to the examination of certain physicians, whose names were suggested by his attorney, and these physicians made a diagnosis, finding that Chambers had trauma of the left kidney; displacement of said kidney; luxation of sacro-iliac articulation; trauma and laceration of lumbar muscles; injured and swollen left sciatic nerve; injured sacrum; bruised left sciatic nerve; laceration and contusion of lumbar muscles and that he was permanently disabled.

The case was called for trial. When the plaintiff was placed on the witness stand, he surprised his attorney by reciting in a very clear and forceful manner, how, as a matter of fact, he had never fallen from the train, had never received any injuries of any kind, was at all times normal, and enjoying the very best of health not only at the time he was on the witness stand, but at the time he was examined by the physicians whose names had been suggested by the plaintiff's attorney. He then went on to relate how the entire case had been pre-arranged. His story concerning the manner in which he was solicited by representatives of certain members of the Bar of the Twin Cities disclosing the highly improper, unprofessional and dishonest conduct on the part of these attorneys and physicians, ought to cause every lawyer, interested in the good name of the profession, to use every means at his disposal looking to the adoption of such rules by the courts, and such acts by the legislatures, as would forever preclude such practices.

Only a short time ago, a case was tried in Linn County entitled

Howard v. C., R. I. & P. Ry. Co. Plaintiff claimed he had received injuries while performing his duties as a locomotive fireman. His physicians testified that he had received serious injuries to the back and spine. He stripped before the jury and the doctors pointed out the exact location of the injuries. They demonstrated to their own pretended satisfaction that there was a decided atrophy of certain muscles, although to the eye of the ordinary man, everything about the back looked not only normal but especially strong and well developed. On cross examination of plaintiff the entire fraud became so apparent, that his attorneys arose, apologized to the court and jury for having brought the action, explained that they had been misled and deceived by their client, and dismissed the case without prejudice. The plaintiff before working for the railroad company had been a professional wrestler. When his case in Cedar Rapids was ended he left Iowa and went to Nebraska. There he at once engaged in his former profession of wrestling. He advertised himself as being a marvel of strength and physical development. Fearing he might sue again in Nebraska or some other state on the same alleged injury, he was carefully watched by special representatives of the defendant railway company. His dismissal of his action in Cedar Rapids being without prejudice, of course could not be pleaded as a defense, either in this or any other state. In other words, the first trial went for naught, it cost a considerable sum of money, and all this without any redress, for plaintiff was financially irresponsible. He has not yet brought another action, due possibly to the fact that he has not been discovered by members of the ambulance chasing profession.

It is not uncommon to have an action for personal injuries commenced in some court in Iowa and tried up to the point where the court is about to direct a verdict for the defendant, when the case will be dismissed, and later, the same plaintiff will sue the same defendant in some other state where he can secure jurisdiction and prosecute the cause with the evidence either

changed, or the evidence that was wanting upon the first trial supplied.

The statute of Iowa relating to the dismissal of actions provides as follows:

Section 3764. **DISMISSAL OF ACTION.** An action may be dismissed, and such dismissal shall be without prejudice to a future action:

1. By the plaintiff, before the *final submission* of the case to the jury, or to the court when the trial is by the court;
2. By the court, when the plaintiff fails to appear when the case is called for trial;
3. By the court, for want of necessary parties, when not made according to the requirements of the court;
4. By the court, on the application of some of the defendants, when there are others whom the plaintiff fails to prosecute with diligence;
5. By the court, for disobedience by the party of an order concerning the pleadings or any proceeding in the action.

One of the early cases in Iowa holding that a cause might be dismissed without prejudice even after the completion of the charge to the jury, is the case of *Harris v. Beam*, 46 Iowa 118. In that case the court had completed his charge to the jury and defendant insisted that the cause had been submitted and plaintiff at such a stage in the proceedings was not entitled to dismissal. Our Supreme Court held, however, that a cause is not finally submitted to the jury when the last word of the charge is read, and among other things, used the following language:

An attorney cannot always tell whether he can safely submit his cause to the jury upon the evidence introduced until he hears the charge of the court. If, in his judgment, the charge is so adverse to him that he cannot safely trust his case in the hands of the jury, he ought, at that moment, to be permitted to dismiss without prejudice to a future action. The statute, in our judgment, does not deny him that right.

Later, in the case of *Belzor v. Logan & Canfield*, 32 Iowa 322, the attorneys for the defendant attempted to prevent a dismissal. In this case the court said:

Our statute provides: An action may be dismissed, and such dismissal shall be without prejudice to a future action: 1. By the plaintiff before the final submission of the case to the jury, or to the court, when the trial is by the court. This is construed to be equivalent to a denial of the right to dismiss after such submission. It has often been held by this court, that

under our statutes, the report of a referee was like, and had the same effect as, a verdict of the jury or a finding by the court, and certainly the reason which would deny a party the right to dismiss his action after the final submission of his case to a jury or to the court would also deny it to him after he had made a like submission to a referee. But the trouble in this view is, that we must construe statutes and be confined to the language used, and cannot extend them to anything and everything within the range of the reason which prompted their enactment for the particular things specified in them. The statute only enumerates two out of the three methods of trial prescribed by it, a final submission in which will bar the right of the plaintiff to dismiss his action. The other method, a trial by referee, is not within the terms of the statute, nor within any recognized rule for the construction of the language used in it. We cannot, therefore, hold that the plaintiff was concluded from dismissing his action by reason of the statute.

Aside from the statute, we find that a plaintiff might discontinue his action at any time, except after verdict or writ of inquiry, without leave of court.

In 1890, another effort was made by attorneys for the Chicago & North Western Railway Company to prevent such a dismissal in the case of *Morrissey v. C. & N. W. Ry. Co.*, 80 Iowa 314. The plaintiff had introduced all his evidence and rested. The court had stated that he thought the motion to direct a verdict ought to be sustained, and intimated that he would sustain it, but had not yet actually written the entry in the calendar. In this case, appellant contended that as the sustaining of the motion for a verdict was in effect a final disposition of the case, that there was a final submission of the case to the court before the plaintiff asked leave to dismiss. The Supreme Court disposed of this contention by saying:

Surely the submission of the motion was not a submission of the case to the court, for whether the motion was overruled or sustained, it remained to submit the case to the jury for verdict. There was no final submission of the case to either court or jury, and therefore no error in overruling defendant's objection, and allowing plaintiff to dismiss.

The foregoing citations indicate that if any remedy is to now be granted against this loose and unwarranted practice, it will have to come from the legislature.

One of our Federal Judges at one time attempted to avoid the effect of the Iowa practice, and did succeed in so doing, by re-

fusing to announce his ultimate conclusion until he had in his possession a directed verdict signed by a member of the jury.

To the ordinary mind, it is quite difficult to understand why a cause has not been submitted, especially after all of the evidence has been introduced and the court has reached a conclusion on the motion to direct. The decisions in this State, however, are so well established, that if any relief is to be had, it must come from the legislature. No rule of practice is more unbusinesslike and more out of keeping with the spirit of the times, which looks for efficiency and the dispatch of business, than the practice of permitting dismissals without prejudice after all the evidence has been introduced. It is not surprising that the average business man, and indeed, the business world as a whole, is always astonished when reminded that the courts indulge such a practice. We, therefore, need not be surprised at the protest set forth in the editorial above quoted. It is hard for one who feels that the courts should not be trifled with, and for one who believes that the courts ought not be mere experimental tools, to realize that any person responsible or irresponsible, may try his case as many times as he desires, experiment in as many places and with as many different courts as he chooses, and then dismiss at his option, without any ultimate finding, decree or adjudication that will protect the defendant from further embarrassment or harassing litigation.

In recent years many cases in Iowa have been brought and tried the first time largely as experiments. Recently a case was tried in one of the district courts of Iowa, which was finally dismissed after the court indicated that he would sustain a motion for the defendant. This same case was later brought in another state, where it will be necessary for the defendant to transport witnesses many miles, or be compelled to submit evidence in the form of depositions. In the case now pending in the foreign state, it is not possible to plead any form of adjudication by reason of the former trial in Iowa.

In another recent case the trial judge at first refused to dismiss at plaintiff's request, because the perjury and the fraud were so

clearly apparent. The court discharged the jury but held the motion to dismiss under advisement for two or three days before finally entering a dismissal. In the meantime, he examined the authorities to see if there was not some way that he could enter a dismissal that would preclude another action by the plaintiff, and thus protect the defendant against the time, expense and annoyance of defending upon a fraudulent claim, should action be brought in another state or in another county.

A few years ago a case was tried in the Federal Court of the Northern District of Iowa, Judge Willard presiding. At that time Judge Reed was sitting with the Circuit Court of Appeals in St. Paul. At the close of all the evidence, a motion was made to direct a verdict for the defendant. The court announced that he would sustain the motion, whereupon plaintiff's attorney arose and moved to dismiss without prejudice. The motion was denied. Later, however, the court corrected his ruling and authorized a dismissal, saying when he did so that he would not permit the dismissal if he could prevent it; that he was surprised to learn of the Iowa practice in this respect; that he objected seriously to the Federal Court being used purely for the purpose of experiments, and that if it was within his power to do so, he would enter an order that would preclude the bringing of the action again, either in the same or any other court.

There has also come to my attention a case that was tried some time ago in the city of Council Bluffs. At the close of the first trial, a motion was made to direct a verdict. The court was about to sustain this motion, when plaintiff dismissed. Later, action was brought again on the same claim, the thought of plaintiff's attorney no doubt being that he might draw another judge and thus indulge in another experiment with his case. The case was tried a second time and at the close of all the evidence the court again indicated that he would sustain defendant's motion to direct, whereupon plaintiff again dismissed, and later brought suit on the same cause of action a third time. Plaintiff's client was financially irresponsible and he was taking no chances in making these experiments because he had nothing

to lose. Defendant was responsible and was put to heavy costs, both by way of attorneys' fees and expenses for witnesses in defending in these trials on the same cause of action. As before stated, it is not at all uncommon to find a case being tried in St. Paul, against some railway company, that was previously on trial in some court in Iowa, where it was dismissed after the plaintiff learned that the court was about to direct a verdict for the defendant. Many cases are of this nature, and instances of this kind frequently arise. The defendant has no redress for the expenses of the first trial, and in addition, is obliged to transport its witnesses many miles into a foreign jurisdiction.

I have also had come under my observation, cases that have been appealed to the Supreme Court of the State, reversed and remanded for a new trial, with a rule of law announced that might preclude a recovery, and upon reaching the trial court, the case has been dismissed without prejudice, and action brought in some other jurisdiction where an experiment might be carried on with the mental processes of judges in some other state.

In one such case as this, the theory was advanced that after the plaintiff had voluntarily submitted himself to the jurisdiction of the court, and the law of his case had been announced by the Court of Appeals, that that rule of law ought to be binding upon the litigant in that particular cause of action, no matter where the same case might be again instituted.

In this respect, permit me to call your attention to the case of *Wells v. Telegraph Co.*, 144 Iowa 605, at page 610. This was an action that was tried in the Federal Court for the Northern District of Iowa. Judgment was rendered for the plaintiff. Upon appeal to the United States Circuit Court of Appeals, the judgment was reversed. (See 129 Fed. 344.) Upon remand to the trial court, the cause was again heard before the Honorable Henry T. Reed, and a jury, resulting again in a verdict for the plaintiff. Again an appeal was taken and again a reversal was had. (See 141 Fed. 538.) The reversal on the second appeal was upon a ground that would preclude a recovery in the Fed-

eral Court. After the case had been remanded, plaintiff then entered the Federal Court and dismissed his cause of action without prejudice. A pretended assignment of the cause of action was then made to a resident and citizen of the state of New York. The assignee brought suit in the District Court of Webster County of the State of Iowa, on the same cause of action that had been twice tried to a jury in the District Court for the Northern District of Iowa, and twice submitted to the United States Circuit Court of Appeals for the Eighth Circuit. No final judgment, of course, had ever been rendered against the plaintiff in the Federal Court, although a rule of law had been announced that would have precluded a recovery in that court. In the state court it was argued that the plaintiff was bound by the rule of law announced in the Federal Court, inasmuch as he had voluntarily submitted himself to the jurisdiction of that court. It was urged that the courts ought not be used like a chemical apparatus in a laboratory, merely for the purpose of experiments. Our Supreme Court disposed of this contention by saying:

It is said, however, that these opinions settled the law of the case, and are binding as such. This is true in part. They do settle the law of the case for all purposes of trial in the Federal Courts, the opinion on appeal being conclusive on the trial courts in further proceedings had therein; but, as no further proceedings were had, these decisions are of no more weight with us than if they had been rendered by any other court of a foreign jurisdiction in cases to which these litigants were not parties. There can not well be much doubt about this proposition on principle and the authorities seem to point to but one conclusion.

Under the Iowa statute and the Iowa decisions, therefore, the plaintiff may sue as many times as he chooses, and each time if he thinks the result is not going to be favorable, he may dismiss, and so on without end, until finally barred by the Statute of Limitations. He may even follow his case through the Supreme Court of the state, receive an adverse ruling on the propositions of law that would preclude a recovery, and then, upon remand of the case to the trial court, dismiss without prejudice and seek relief in some other jurisdiction, before some other tribunal that

may hold a different view of the law, or in which other tribunal he may be able to produce facts which he has discovered are necessary, after reading the opinion of the court. To my mind, this practice ought to be prohibited. It not only casts reflection upon the dignity and stability of our courts, but it lends encouragement to perjury and subornation of perjury. Not long ago one case came back to the Supreme Court of Iowa in which the evidence was clearly changed upon the re-trial and the Supreme Court commented upon the fact of the change in the testimony and denied a recovery. There can be little doubt but that this change in the testimony was due to an effort on the part of the plaintiff to meet the ruling of the court. In the latter case to which I refer, a rule prohibiting dismissal without prejudice at the will or pleasure of the plaintiff would not have prevented the perjury, for in that case no dismissal was entered. The plaintiff did not elect to dismiss. Invoking a rule, however, that would prevent such dismissals would eliminate one opportunity for the practice of the evil. It is commonly known among the members of the Bar that cases are dismissed without prejudice and started again, and upon the second trial, evidence is supplied that was suggested by the court and that no one ever knew existed, and that, in fact, did not exist except in the mind of the client, possibly indirectly inspired by suggestions from his attorney.

If the plaintiff after having submitted himself to the jurisdiction of the court, is denied the privilege of dismissing his case without prejudice, after all the evidence has been submitted and the time of the court and the jury and all the court officials and the attorneys consumed, no harm can come to him except the inconvenience and time required to perfect an appeal and have his questions of law submitted to the Supreme Court. Certainly, what inconvenience there may be to the plaintiff in prosecuting an appeal to the Supreme Court from an alleged erroneous decision sustaining the motion to direct a verdict, cannot begin to compare with the great inconvenience and loss to the defendants who are harassed and annoyed by plaintiffs who experiment with their cases in the *nisi prius* courts of this state. In fact,

we have a strange anomaly in our statutes and under our decisions. A plaintiff may dismiss at any time without prejudice, and again bring his action whenever and wherever he pleases, whereas under our statute, he is not permitted to continue the same cause of action against the objections of the defendant without complying with certain statutory requirements, filing a certain form of affidavit required by statute, setting forth statutory grounds for entitling him to a continuance. If, however, he is unable to comply with the requirements of the statute relating to the grounds or causes for a continuance, he may avoid the same by dismissing without prejudice and again starting the action, either in the same court or in any other court where he chooses to experiment.

Personally, I feel that one immediate step which the Bar Association of Iowa ought to take looking to a reform in its civil procedure, is to secure an amendment to Section 3764 of the Code of 1897, that would at least confer discretionary power upon the trial judge to deny a motion to dismiss without prejudice. If such an amendment were enacted it would go far toward abolishing the present practice of perjury that is so prevalent in the trial of personal injury cases. It would remove our courts from the realm of experiment stations. It would expedite business and relieve our dockets by requiring thorough and complete preparation for the first trial of the cause, and would add dignity and importance to the decisions of the trial courts, which now they do not seem to possess. It is commonly known that a decision in any one case, even by the Supreme Court of the State, is not binding upon the plaintiff in case he selects some other jurisdiction to try the same cause. Our present practice enables a plaintiff to adopt a process of experiments and to dismiss in the *nisi prius* courts, to the great loss and damage of the taxpayers who support those courts, and to the annoyance, embarrassment and financial loss of the defendants, who may be thus constantly subjected to retrials, with no final adjudication, and no ultimate relief until rescued by the Statute of Limitations.

We talk much about legal ethics but we don't always enforce

them. The majority of lawyers have high regard for the ethical standards of the profession, but the majority of people misjudge the Bar as a whole by the misdeeds of the few. The confidence of the public in the indestructible integrity of the lawyer is his greatest asset. Therefore we cannot too jealously guard the honor and dignity of the profession. To do this, we ought not to pass over lightly the misdoings of the few, for thereby we injure the welfare of the many. The disreputable ambulance chaser of St. Paul, or Waterloo, or Cedar Rapids, or any other community, casts a shadow over the Bar as a whole, just as the doctors who "discover" neurasthenia in perfectly healthy patients tend to bring discredit to the entire profession of the community in which they live and move, and rob and steal by means of a weapon called perjury, which to say the least, is a more cowardly and reprehensible weapon than any ever invented or used by the dark hour gunmen. Perjury is too prevalent in our courts today, especially in personal injury actions. The Bar seems to look upon the entire affair with little active concern, while the courts, with few exceptions, seem to take no active interest in guarding the sacredness of the oath. Our present practice, permitting dismissals without prejudice, lends encouragement to perjury and subornation of perjury. It invites a retrial, and presupposes that the wanting evidence will be supplied. It is an antiquated rule, adopted in the early history of the state and adhered to not because of any virtue it possesses, but because it has come to be accepted as a matter of course.

Under the very early English decisions, plaintiff might dismiss even after a verdict by the jury and before the entry of judgment. This rule, however, was changed by statute which provided that "after verdict plaintiff shall not be nonsuit." In this country, however, the courts with but one exception, never followed the early English decisions, and I think I am safe in saying that it has universally been held that a dismissal could not be had under the common law practice in the United States after verdict by the jury, excepting only the one case of *Wooster v. Burr*, 2 Wendall (N. Y.) 295.

In discussing the rule denying the right to a nonsuit after verdict, the Supreme Court of Maine used the following language:

The reason of the rule is apparent, and needs no discussion. It is founded upon principle. If there were no place at which a party defendant could have any rights, save as to costs, until after verdict, great injustice might oftentimes result, with no power in the court to correct or restrain it. As a nonsuit is no bar to a future action for the same cause, a plaintiff, if so disposed, might harass the opposing party, whose residence or situation might be such as to necessitate great expense in the preparation or defense of a cause, with continued litigation, and the costs recoverable would be absolutely inadequate to compensate him for either.

See *Washburn v. Allen*, 77 Me. 344, 352.

Even under the early English practice and under the practice following the statute of 2 Hen. IV. C. 7, plaintiff was not permitted to commence his action again without first satisfying the costs of the former trial, and as a rule these costs were substantial. In our state, however, there is no such requirement, and it is not within the power of the trial judge to impose such a requirement, at least as I view the law, so that plaintiff may commence his action as many times as he chooses, and if financially irresponsible, wholly ignore his obligation to discharge the costs of the former trial or trials.

In discussing the early English rule, the Supreme Court of Massachusetts in the case of *Earl Carpenter & Sons v. New York, N. H. & H. R. R. Co.*, 184 Mass. 98, said:

In this respect a plaintiff is more fortunate than a defendant, who has a day in court to interpose his defense if he would not have final judgment given against him. What is not so clear is how far the plaintiffs' proceeding must have gone for it to have reached the stage where this right of abandonment is lost. In England the plaintiff originally had a right to abandon an action at law and become nonsuit at any time before verdict, if not before judgment.

In the very early case of *Locke v. Wood*, 16 Mass. 317, the plaintiff attempted to invoke the English rule of practice and demanded the right to become nonsuit at any time before judgment. In passing upon this question, the Supreme Court of Massachusetts held that after the cause is opened to the jury and

begun to be proceeded in before them, the parties are entitled to a verdict, unless the court should, in its discretion, allow a nonsuit or a discontinuance. Following that decision, the courts of Massachusetts held it to be the rule that the plaintiff might become nonsuit as of right at any time before trial was begun, but not afterwards. And in the case of *Earl Carpenter & Sons v. New York, N. H. & H. R. R. Co.*, *supra*, the court said:

The reason for denying in this commonwealth the rule of the English common law was the injustice done to the defendant, who was subjected to being harassed a second time on one and the same cause of action on receiving costs, which in this commonwealth are nominal. In that respect the burden of being subject to a second action is much greater here than in England, where costs are substantial. But the common law rule has now been abolished in England. By Order 26 of the Rules of the Supreme Court, 1883, adopted under the Judicature Act, it is provided that 'the plaintiff may at any time before receipt of the defendant's defense or after receipt thereof, before taking any other proceeding in the action (save an interlocutory application) by notice in writing' discontinue the action.

Our statute is, no doubt, an outgrowth of what was thought to be the common law rule, but some of the states have long since abandoned this doctrine because of the great injustice done the defendants, especially where the costs imposed upon the plaintiff are not substantial, as they were under the English practice. If, therefore, it could be said that defendants were put to a disadvantage under a practice that required plaintiff to pay the costs of the previous trial before proceeding a second time with the same cause of action, it must follow that the disadvantage is enlarged and the injustice more pronounced under a practice that permits plaintiff to bring as many actions as he chooses, and in each ignore the costs in the former, if he happens to be financially irresponsible.

It, of course, is said by some that the present practice helps the poor litigant and that it ought to be continued because personal rights should be placed above property rights. The expression of placing personal rights above property rights is a loose one and, in fact, meaningless. The right to acquire and own property is in itself a personal right and one that ought to be protected and not subjected to the possibility of recurring

litigation instituted by irresponsible plaintiffs. However, no injustice or hardship would be imposed upon any plaintiff by denying him the right to dismiss without prejudice at his pleasure, for in case of surprise or disappointment, he has his remedy by applying for a continuance, and in case of an error in the law, he has his remedy by a motion for a new trial or appeal to the Supreme Court, where any such error will always be promptly corrected. On the other hand, to deny the right of dismissal without prejudice at the pleasure of the plaintiff would afford protection to the defendant as against repeated and annoying litigation, and would mean an end to litigation without relying upon the Statute of Limitations. An object which our courts look upon with favor, and frequently recur to when they say that the decision of the highest court of appeals in any one case must be taken as the law of that case, right or wrong, and regardless of subsequent decisions, all upon the theory and for the purpose of making an end to litigation on the same cause of action.

THE PRESIDENT: In connection with this subject, it has been my opinion that when the evidence is closed by the parties, it ought to be too late to dismiss, except for causes entitling the party to a continuance.

MR. C. G. SAUNDERS: This subject, in my judgment deserves very full and careful consideration by the Bar of this State. There is existing an evil, as we all know, not alone in reference to personal injury litigation, but all classes of litigation. The defendant has no right of dismissal; he can't experiment; the plaintiff alone can do that. The enactment of the compensation laws has removed a considerable part of personal injury litigation from the courts. But the evil, as it existed in personal injury litigation, has been more pronounced and observable and has gone into the hands of a few persons. I am told that ninety per cent of the personal injury litigation in the city of Omaha is in the hands of about three firms of attorneys, and is there because of their facility for securing testimony of all kinds and character, and because of their ambulance chasing habits. It seems to me

this should be investigated by a committee of this Association. The General Assembly does not convene this winter and we have ample time for consideration of the subject.

I move you that a committee of five members of this Association be appointed to investigate this whole subject and report at the next meeting of this Association.

The motion was duly seconded.

THE PRESIDENT: Would it be proper to refer it to the Committee on Law Reform?

MR. SAUNDERS: I believe it should have a thorough investigation and a careful report should be made, and then the members of the Bar would have it before the General Assembly convenes, in January, 1917. I want to say, so far as I am concerned, I want to relieve the members of the Bar from any embarrassment. I am not making this motion to be chairman of the committee.

MR. J. O. CROSBY: I think a special committee would be preferable. If it were referred to the Committee on Law Reform, according to their custom, the report next year would be, "What do you think about it?"

MR. WILLIAM MULVANEY: It seems to me the Bar Association of Iowa ought to wake up to the fact that this is a government of the people and by the people, and take some cognizance of the fact that they represent somebody besides corporations. There isn't any particular demand coming from the rank and file of the people for any such reform as this talked about here. We are told about ambulance chasers. The Iowa railroad companies have their ambulance chasers, who go to see the widows before the remains are hardly cold, attempting to make settlements. We find they are establishing hospitals of their own in the city of Chicago, where they might be undisturbed in carrying out their nefarious ambulance chasing which is above the dignity of their lawyers.

Talk about cases being dismissed without prejudice. I can tell you about that myself. I brought a couple of cases against a certain railroad company, and the ambulance chaser of the rail-

road company who was disbarred, dismissed the actions without me knowing anything about it. The doctor for the railroad company got my clients and ran them out of the country. The cases were absolutely good cases. I had to sue the railroad company in order to get my part of the contingent fee. The Bar of Iowa owes a duty to the public, as ministers of justice, whose duty it is to see that equal and exact justice is meted out to the people of the State.

I remember a friend of mine in my town was injured in a railroad accident. I didn't call on him. He met me one day and said: "Mulvaney, you are a great friend of mine, aren't you? You knew I was hurt, didn't you, and you never called on me?" I said, "No, I never called on you." He said he wanted to talk to me about his case, and he started to talk to me about it then and he told me the railroad people warned him to keep away from the lawyers. These are the sort of things that bring the legal profession into disrepute. It is the business of any lawyer who has taken the oath to support the Constitution of the United States, it is his duty as a priest of the law, which is above property rights, and as the guardian of property rights and human liberty, to protect the rights of the people, just as much as it is the business of the minister of the Gospel to tell a man how to keep on the straight and narrow path, and if he sees anybody trying to pull the wool over the eyes of another man, it is his business to tell him so.

If there was any immediate cry for this reform from the people as a whole, it might be different. I haven't any fight with the corporations. It has always been my policy to give them a square deal. But they are not entitled to be the whole works. I glory in the committee of the Legislature that turned down a proposition of this kind; they knew how easy it was for corporations to run witnesses out of the country on the very day upon which the poor man's case might be set for trial.

THE PRESIDENT: I should state that under the By-Laws, discussions or remarks on matters should be limited by the rules to five minutes.

MR. J. H. McCONLOGUE: I move you it is the sense of this Association that in the selection of members of this committee, the chairman avoid selecting ambulance chasers or attorneys for railroads.

MR. SAUNDERS: I offered this motion, and I suppose a part of this criticism arises out of the fact that I happen to be an attorney for a railroad. I want to say, as far as I am personally concerned, I am in the general practice. In personal injury cases, I think I am nearly as frequently for the plaintiff as for the defendant. I have been on each side and expect to be in the future. I am interested in this matter as a general practitioner of the law. I believe there is an evil here that should be reached, and no man should be deprived of his hour in court, and every poor man should have his opportunity. On the other hand, I do not believe in the professional ambulance chaser. I care not who he may be.

I know there is a general complaint about the rapid increase of taxation and a very general complaint about the expenses of our courts. I happen to know of the case in Council Bluffs to which my friend Sargent refers, because I was one of the attorneys for the defendant in that case. It required eight to ten days to try it. It was tried three times, the first time at an expense of about \$800.00; the second time it cost about \$1000.00, and at the end of a directed verdict and an appeal to the Supreme Court and an affirmance, it cost Pottawattamie County from \$2500.00 to \$3000.00 to let an attorney experiment with three different judgments. Maybe the people like that, but I do not believe they do.

MR. U. G. WHITNEY: I do not glory in the action of the committee. I want to tell you exactly what a member of the subcommittee said to me in just so many words. He said, "Whitney, what in h—— are you trying to get at? Don't you know the matter of a dismissal like that is a d—— convenient thing when you are in a pinch?"

JUDGE W. R. LEWIS: There seems to be two sides to this ques-

tion. I think it a very proper thing that there be an investigation in harmony with the thought that moved the mover of the motion.

MR. C. R. METCALF: I desire to offer a few remarks in regard to the dismissal of cases by the court. It has been my experience that a great many cases are dismissed by the court, and if there is any remedy by the plaintiff he must appeal to the Supreme Court. Often the plaintiff is a poor person and is not able to advance the costs. So many of these appeals are reversed by the Supreme Court and sent back for re-trial. The issues are the ones that should be submitted to the jury, but too often, the court in its hurry misstates the law and counsel for the defense presents certain authorities to the court and convinces the court that the case is not one of fact at all but a question of law and the case is dismissed. Then the poor client has no money and is denied a trial by jury.

I might say there has been no law more severely abused than this by the court sustaining motions and dismissing cases, so that the plaintiff has been compelled to appeal, and then when he is ready to submit the case to the jury, another motion is made and sustained and plaintiff must again appeal, so that it has the effect of annulling trial by jury. In the last two or three years in three cases I have tried, where nothing was involved but questions of fact, upon defendant's motion the court directed a verdict. I had to appeal to the Supreme Court and the Supreme Court reversed each one of them and sent them back for a new trial, and the witnesses were scattered all over the country. Instead of having a law that a person cannot dismiss, we need more a law which would provide, in substance, that a case shall be submitted to the jury and the motion shall be overruled and the jury shall return a verdict, and if they return a verdict, the remedy is by appeal, and the entire case is submitted to the Supreme Court, and then, if the motion should be sustained, that ends the litigation.

THE PRESIDENT: The motion is that a committee of five be appointed by the Chair to investigate this subject and report at the

next annual meeting of the Association. Are you ready for the question?

The motion was duly carried.

THE PRESIDENT: We will now have the report of the Nominating Committee.

REPORT OF COMMITTEE ON NOMINATIONS

For President, A. N. Hobson, West Union;
For Vice-President, Wm. McNett, Ottumwa;
For Secretary, H. C. Horack, Iowa City;
For Treasurer, L. T. Carney, Marshalltown;
For Librarian, A. J. Small, Des Moines.

Upon motion duly made the report was adopted.

MR. J. H. McCONLOGUE: I move you that the rules be suspended and the Secretary be instructed to cast the ballot of the Association for Judge A. N. Hobson of West Union as President of the Association.

The motion was duly seconded, carried and the vote so cast.

MR. McCONLOGUE: I move you that the rules be suspended and the Secretary of the Association be instructed to cast the ballot of the Association for Wm. McNett of Ottumwa for Vice-President.

The motion was duly seconded, carried, and the ballot so cast.

MR. McCONLOGUE: I move you that the rules be suspended and the President be instructed to cast the ballot of the Association for H. C. Horack of Iowa City as Secretary of the Association.

The motion was duly seconded, carried, and the ballot so cast.

MR. McCONLOGUE: I move you that the rules be suspended and the Secretary be instructed to cast the ballot of the Association for L. T. Carney of Marshalltown for Treasurer.

The motion was duly seconded, carried, and the ballot so cast.

MR. McCONLOGUE: I move you that the rules be suspended and

the Secretary be instructed to cast the ballot of the Association for A. J. Small of Des Moines for Librarian of the Association.

The motion was duly seconded, carried and the ballot was so cast.

MR. McCONLOGUE: The nominating committee, while having some question as to their right and authority to name delegates to the American Bar Association, to be held at Salt Lake City, in August, canvassed the names of gentlemen whom they thought might be acceptable, and thought they would recommend Emmet Tinley of Council Bluffs; F. W. Sargent of Des Moines; and H. E. Deemer of Red Oak.

Judge A. N. Hobson was then escorted to the Chair.

JUDGE HOBSON: *Gentlemen of the Convention:* I have esteemed it a great privilege to be able to attend the Bar Association for a number of years past. I have never missed being present when it was possible to be there, though occasionally circumstances made it impossible.

I think the Bar of Iowa does not estimate the importance and value of this Association at its true worth. I think it presents a great opportunity for the lawyers to become acquainted with each other, socially, and at the same time presents the opportunity for us to keep abreast with the times, by the discussions which take place at the different meetings. I think the position of President is a position to which any lawyer might aspire. You have honored me with the election of President. During my incumbency I shall endeavor to discharge the duties to the best of my knowledge and ability, and if possible I shall try to keep it up to its usual average of success. Gentlemen, I thank you.

Next on the program will be the President's Address by Mr. F. F. Dawley of Cedar Rapids.

LOCAL SELF-GOVERNMENT FOR CITIES AND TOWNS

The Great Charter signed by King John just seven hundred years ago, after guaranteeing the rights of the City of London, recited, "Furthermore, we will and grant that all other cities

and boroughs and towns and ports shall have all their liberties and free customs." John signed unwillingly, at the point of the sword. The rights he thus guaranteed were not created by himself but had existed independently of the crown from time immemorial.

At the last session of the Legislature a bill was introduced for the restoration to the cities and towns of Iowa of a few of the immemorial liberties and free customs of local self-government of which they have been deprived. That this should be necessary is another proof that eternal vigilance is the price of liberty. The request was denied, there being no barons with swords or commons with bows and arrows to enforce it.

Through the love of arbitrary power and a habit of tinkering with everything, the legislatures of this country have assumed absolute authority over all the activities of cities and towns, whether pertaining to matters of general public interest or local affairs belonging only to the cities and towns themselves. In this they have been assisted by politicians from the cities with axes to grind, and upheld by the complaisance and acquiescence of the courts, which naturally have hesitated to declare statutes unconstitutional and very few of which seem to have investigated the true origin of municipal corporations. A large part of the responsibility for the general view that such corporations are mere creatures of the State, subject to its every whim, rests with the courts, which have generally failed to observe the historical fact that communities of people known as towns and villages originated before state governments and independently of them and possessed and exercised rights and powers not derived from the state but inherent in the very nature of our system of government. Their failure in this respect furnishes an instance of what Prof. Wigmore says in the preface to the new supplement to his work on Evidence concerning some shortcomings of the courts. After stating that he has read several thousand contemporary decisions, from which he could not avoid forming some general impressions, he says:

Acquaintance with legal history is almost totally lacking. There are now

ample modern sources for knowledge of the great principles of our law. They are unknown to our judges. The citations of Pollock & Maitland's *History* since its appearance in 1895 could be numbered on the fingers of both hands. There exist now plenteous other standard authorities, but whenever there is an expounding of history, Blackstone suffices. For the judiciary's purposes, the world stopped still with him.

It will appear later, however, that so far as concerns the present subject this remark cannot be applied to our present Supreme Court.

The general view was expressed by Judge Sharswood in *City of Philadelphia v. Fox*, 64 Pa. St. 169, where he says that a municipal corporation is merely an agency instituted by the sovereign for the purpose of carrying out in detail the objects of government—essentially an irrevocable agency—having no vested right to any of its powers or franchises, the charter or act of erection being in no sense a contract with the State and therefore fully subject to the control of the legislature, which may enlarge or diminish its territorial extent or its functions, may change or modify its internal arrangement, or destroy its very existence, with the mere breath of arbitrary discretion.

In 1868 Judge Dillon said in *City of Clinton v. C. R. & M. R. R.*, 24 Iowa 455:

Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so it may destroy. If it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the legislature might, by a single act, if we can suppose it capable of so great a folly and so great a wrong, sweep from existence all of the municipal corporations in the State, and the corporation could not prevent it. We know of no limitation on this right so far as the corporations themselves are concerned. They are, so to phrase it, the mere tenants at will of the legislature.

And in the *City of Keokuk v. Scroggs*, 39 Iowa 447, it was held that cities "are governments of enumerated powers, acting by a delegated authority," and though the charter authorized the city to determine fire limits and to require all buildings within such limits to be fire proof and generally to establish such regulations for the prevention of fire as the city council deemed

expedient, yet the council could not compel the removal of a lumber yard from such limits because the power was not expressly or impliedly conferred. The Supreme Court of the United States has also expressed this view, but in cases where the question was not involved and the expression is *dictum*.

Judge Cooley appears to have been of the same opinion in 1865, when he said in *People v. Mahaney*, 13 Mich. 481, at p. 500, that all the municipalities of the State received from the legislature their powers of local government and such only as its wisdom should prescribe within the constitutional limits. But several years later in an opinion which shows that he had made a profound study of the subject from a historical point of view he took the opposite and true position. *People v. Hurlbut*, 24 Mich. 44. In this case he states the question thus:

The question broadly and nakedly stated can be nothing short of this: Whether local self-government in this State is or is not a mere privilege conceded by the legislature in its discretion and which may be withdrawn at any time at its pleasure. I state the question thus broadly because notwithstanding the able arguments made in this case, and after mature deliberation, I can conceive of no argument in support of the legislative authority which will stop short of this plenary and sovereign right.

In the course of his opinion he shows that there is nothing in the written constitution expressly precluding the legislature from controlling the management of general municipal affairs and he says:

If, therefore, no restraints are imposed upon legislative discretion beyond those specifically stated, the township and county government of any portion of the state might be abolished, and the people be subjected to the rule of commissions appointed at the capital. The people of such portion might thus be kept in a state of pupillage and dependence to any extent, and for any period of time the state might choose.

He holds that there are implied restrictions upon the legislative power not expressed in the written constitution but which are equally binding and says:

The circumstances from which these implications arise are: First, that the constitution has been adopted in view of a system of local government, well understood and tolerably uniform in character, existing from the very earliest settlement of the country, never for a moment suspended or dis-

placed, and the continued existence of which is assumed; and, second, that the liberties of the people have generally been supposed to spring from, and be dependent upon, that system. . . . Some things are too plain to be written. If this charter of state government which we call a constitution, were all there was of constitutional command; if the usages, the customs, the maxims, that have sprung from the habits of life, modes of thought, methods of trying facts by the neighborhood, and mutual responsibility in neighborhood interests, the precepts which have come from the revolutions which overturned tyrannies, the sentiments of manly independence and self-control which impelled our ancestors to summon the local community to redress local evils, instead of relying upon king or legislature at a distance to do so,—if a recognition of all these were to be stricken from the body of our constitutional law, a lifeless skeleton might remain, but the living spirit, that which gives it force and attraction, which makes it valuable and draws to it the affections of the people, that which distinguishes it from the numberless constitutions, so called, which in Europe have been set up and thrown down within the last hundred years, many of which, in their expressions, have seemed equally fair and to possess equal promise with ours, and have only been wanting in the support and vitality which these alone can give,—this living and breathing spirit, which supplies the interpretation of the words of the written charter, would be utterly lost and gone. . . . It would be the boldest mockery to speak of a city as possessing municipal liberty where the state not only shaped its government, but at discretion sent in its own agents to administer it; or to call that system one of constitutional freedom under which it should be equally admissible to allow the people full control in their local affairs, or no control at all.

The origin of municipal corporations and their rights of local self-government have been fully investigated and the true theory established also by Amasa M. Eaton of Rhode Island in articles in the *Harvard Law Review* and an especially valuable one in the *American Lawyer* for October, 1902, showing how municipal corporations in England came into existence before charters were granted to them by kings or barons and that such charters were obtained to confirm and protect rights already existing. It is well established now that among the Anglo-Saxon races the central government was created by a union of local powers. As is said in Cooley's *Constitutional Limitations*, page 68,

In considering state constitutions we must not commit the mistake of supposing that because individual rights are guarded and protected by them, they must also be considered as owing their origin to them. These instru-

ments measure the powers of rulers but they do not measure the rights of the governed.

Yet this mistake has been made by most of the courts as to the rights of cities and towns. On page 65 of the same work he says:

Local self-government having always been a part of the English and American systems, we shall look for its recognition in any such instrument, and even if not expressly recognized, it is still to be understood that all these instruments are framed with its present existence and anticipated continuance in view.

Our own Supreme Court expressly recognized this principle in *Hansen v. Vernon*, 27 Iowa 28 (1869), in which Judge Beck says:

There is as it were back of the written constitution an ~~unwritten~~ constitution, if I may use the expression, which guarantees and well protects all the absolute rights of the people. The government can exercise no power to impair or deny them.

In *State on relation of Howe v. Mayor of Des Moines*, 103 Iowa 76, it was held that the legislature could not authorize a tax to be levied by a board which was not elected by the people, because of the restrictions of the implied or unwritten constitution.

The next and last case which I will cite is specially commended in the last edition of Cooley's *Constitutional Limitations* as being "valuable for its historical discussion of the principle," and it goes to relieve our present court from the suspicion of thinking that the world stopped still with Blackstone. It is the case of *State on relation of White v. Barker*, 116 Iowa 96, wherein a statute authorizing the district judges to appoint trustees to manage city water works is held invalid as taking from the city the right of local self-government. This opinion contains the best and most thorough discussion of the history and of the decisions relating to the question to be found in the reports; but it very properly goes no farther than the question involved required, namely, the management of water works as a private or property right of the city, and the court said:

Some of the cases we have cited hold to the doctrine that the right of the inhabitants of a municipal corporation to local self-government is one of the

rights retained by the people; but we need not and do not go to this extent, except in so far as private and proprietary rights and interests are concerned, as will hereinafter appear.

But why not go to this extent when a case arises involving such question? Is not the right of local self-government in matters of purely local concern not affecting the state or the public at large just as sacred as the property rights of the local community? On the reasoning of these cases how can any distinction be drawn between local governmental rights and local proprietary rights of the municipal corporation? They both have the same origin, the same history, and are protected by the same express or implied constitutional restrictions. As is said in McQuillin's recent work on municipal corporations, page 559:

That all state interests are subject to absolute control by the central authority in the particular community cannot be questioned, but, as to all matters which are of proper local concern only the people of the given community have the right to the exclusive control of them, subject, of course, at all times, to the general laws of the state in the matter of general police regulations and other proper public or governmental restrictions which affect all of the people of the state alike.

Under these decisions of our own court the long line of cases holding that cities and towns have no powers whatever, even in local matters, except such as are expressly conferred by act of the legislature, ought to be overruled without waiting for an act of the legislature to set them aside. The two lines of cases are inconsistent with each other. If a city has an implied constitutional right to select its own officers because that is a matter of local self-government, why has it not the same implied constitutional right to say how these officers shall govern the city in matters of purely local interest?

The old English cities four centuries ago used to give morality plays for the edification of the inhabitants and they paid the expense out of the public moneys without question. If an Iowa city wishes to give public band concerts in its parks or public squares, why should it have to ask special permission from the legislature? Why should it have been necessary to have a statute authorizing cities to establish public libraries or parks?

McQuillin, page 240, says:

The people should be given full authority to select and control their local officers, levy and collect all taxes and charges for local purposes, and distribute them as they please, and be alone responsible for the local administration.

After fixing a maximum limit of taxation there is no reason why the legislature should say or be allowed to say that the city shall only spend a certain amount for this purpose and a certain other amount for that. For example, why should a city which is allowed by law to raise for all purposes \$400,000 annual revenue, which is far more than it needs or does raise for all purposes, be expressly limited to an expenditure of only \$18,000 for the repair and cleaning of its streets and pavements, when this amount does not begin to be sufficient? Why should not the city, if it keeps within the total maximum, be allowed to determine how much of its own money it will spend upon its own streets? This is only one illustration of the numerous instances in which a rural legislature assumes to know more about even minute local affairs of a city than the city itself.

In conclusion I quote from Eaton:

Municipal incorporation is not the exercise of a power emanating from King, Parliament or Legislature—the gift of a superior to an inferior. It was the result of the evolution of local rights and liberties as between the inhabitants of a manor and its lord. The right to local self-government thus slowly evolved and even more slowly acknowledged, including the right of the townsmen or burghers to enact their own bylaws and to enforce them in their own local court, and generally to manage their own local affairs, was and remains still a fundamental Anglo-Saxon right. It is none the less a real right because only dimly recognized or even ignored by King's judges. It is as fundamental and institutional as any Anglo-Saxon right. Although ignored by courts, lawyers and writers, it was known to the common people and was brought to this country by the first settlers, and here, free from the encroachments of the aristocratic features of the English system of government that contributed so much to its decay in the parent country, it has, with renewed vigor, proved its superiority as the best system yet devised for the government of freemen by freemen. Like everything else in our system of government and law, it is not a creation but a growth from rudimentary beginnings. The rights of municipal corporations, therefore, are not subject to the uncontrolled and uncontrollable will of the legislature any more than are other fundamental Anglo-Saxon rights and local self-government itself

cannot be interfered with by the legislature even if the state constitution be silent on the subject, reserving always to the legislature power over all general legislation and power to mould the exercise of town power when requested by a town itself.

If the rule that our cities and towns have no powers except such as are expressly granted is too firmly established in this State to be set aside by the court, then the cities and towns are entitled to have the bill proposed at the last session, or a similar one, enacted into law.

PRESIDENT HOBSON: This closes the program for this morning. The arrangement is now to go to the Country Club for the noon luncheon and following that, hold the last session there this afternoon to begin at 2 o'clock.

If there is no objection, I will declare the meeting adjourned until 2 o'clock this afternoon.

FRIDAY AFTERNOON SESSION

2 O'CLOCK, P. M.

THE PRESIDENT: The time has arrived for the convening of the afternoon session. We will first hear the report of the Executive Committee. The Secretary will read it.

REPORT OF EXECUTIVE COMMITTEE

The Executive Committee met at the Country Club at 12:30 P. M. The members present were President A. N. Hobson, Secretary H. C. Horack, M. F. Edwards, F. F. Dawley, W. G. Harvison, A. N. Boeye, and C. C. Bradley.

Invitations for the next place of meeting were presented by Council Bluffs, Dubuque, and Iowa City.

Upon motion duly made and seconded, Dubuque was chosen as the place for holding the Twenty-second Annual Meeting, the date for such meeting being fixed for the last Thursday and Friday in June, June 29 and 30, 1916.

The following were elected as Delegates to the American Bar Association: Emmet Tinley, Council Bluffs; Fred W. Sargent, Des Moines; and H. E. Deemer, Red Oak.

Upon motion duly made and seconded, the program and arrangements for the next meeting of the Association were left to a committee consisting of the President, the Secretary, and L. G. Hurd of Dubuque.

Respectfully submitted,

H. C. HORACK,
Secretary.

Upon motion duly made the report of the Executive Committee was adopted.

MR. HURD: As a sort of a supplement to the action of the Executive Committee, especially that part of its report recommending Dubuque as the place for holding the next annual meeting of this Association, I want to express to you the thanks of the Dubuque Bar Association, and I assure you the citizens of Dubuque will undertake to care for you and give you a good time.

MR. J. L. CARNEY: I received this morning from Marshalltown a resolution that had passed the Bankers Association at Davenport on the 23rd of this month, in regard to that burning question, good roads. I think I am safe in saying that every gentleman here is interested in the subject. This resolution was prepared by an apostle of good roads and I hope that it will meet the concurrence of the gentlemen here. I will read it and offer it as a resolution:

We believe that the time has arrived for the building of hard surfaced roads in Iowa as the people of so many other States are now doing and we are confident that our road taxes already fixed by law are sufficient without material increase if anticipated by the sale of public bonds, the funds invested in improvements of permanent character and the debt discharged during the life of the improvement. In order that the people of our counties may be free to undertake such hard surfaced road construction as the majority by vote may desire we urge that our road laws be so amended as to permit the cost of such public works to be assessed equitably in accordance with the special benefits to be derived from the improvements made.

We believe that the special assessment road improvement district as provided in many other States should be adopted in Iowa and that the creation of a State fund from present taxes with which to aid the counties in road construction would greatly stimulate the localities to act for a public improvement which will bring added values to our farms, greater convenience and larger enjoyment to our farmers and better business to our towns.

MR. H. H. SHEPARD: To me, it seems, good roads is one of the most vital subjects to the people of Iowa. I think the State has wealth enough to justify the voting of this bond issue. I might say, the Mason City Commissioners and the Board of Supervisors Tuesday of this week let contracts to pave five miles of street west of Mason City, and if the rest of the people of the State of Iowa will do as much as Cerro Gordo County is doing this year, it will be a great step forward.

Upon motion duly made and seconded the resolution was adopted.

THE PRESIDENT: We will next consider the report of the Committee on Law Reform.

REPORT OF COMMITTEE ON LAW REFORM

Your Committee on Law Reform begs to submit the following report for the consideration of the Association:

As was said in the report last year, and the same is true now, the committee has not had an opportunity, or at least sought it, to have a meeting to consider and discuss the propositions to recommend. The chairman has not even heard from certain members of the committee, and as the time is growing short in which to make our report, it is thought best to do what we did last year, viz., to submit, without recommendation, certain propositions, some of which were in our report last year, but were not reached for consideration, leaving each member of the committee free to support or oppose the proposition stated, the same as any other member of the Association might do.

We therefore submit for the consideration and discussion of the Association, and without recommendation, the following propositions, in interrogatory form:

1.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of a statute modifying the present system of selecting names for petit and grand juries, and providing for a Jury Commission to select the names from which the panels for both the petit and grand juries shall be drawn?

2.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of a statute changing the present legal method for the nomination of Supreme and District Judges, and providing for an increase in the tenure of office?

3.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of some measure pertaining to divorce cases, where no appearance is made by or for the defendant, whereby an inquiry in respect to the merits of the plaintiff's claim may be judicially made, to the end that loose and easy divorces, and those without merit, may be prevented, or at least minimized?

4.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of a statute providing that in counties having a population of less than 25,000 the grand juries shall be required to appear at the first term of court for the year, and shall not appear at subsequent terms unless ordered so to do by the court or judge?

5.

Shall the Association recommend to the next General Assembly of Iowa, the enactment of a statute providing that boards of supervisors in all counties of the State shall be required to provide comfortable and adequate sleeping quarters for the accommodation of juries during their deliberations?

WILLIAM MCNETT, *Chairman*,
M. J. WADE,
GEORGE COSSON,
F. F. FAVILLE,
JESSE A. MILLER,
C. E. PERKINS,
EDWARD M. MCCALL.

THE PRESIDENT: Gentlemen, what is your pleasure with reference to the report of the Committee on Law Reform?

MR. M. F. HEALY: I move you the recommendations be taken up article by article.

MR. L. G. HURD: I would like to make an amendment to that motion. I would like to preface it by a very few remarks. Reading over the names of this committee I find there are seven of them, scattered out over the State, and they are men who, if they give attention to these subjects, ought to have some opinions. To refer matters of this sort to a meeting like this for open discus-

sion, without anybody taking one side or the other, is to resolve ourselves into a town meeting.

I believe this committee ought to be continued to make another report before the next Legislature meets; if they are able to earn their salaries, they ought to be able to express an opinion one way or another, and if necessary, by a majority and minority report. Let them come to our meeting and whether in favor or opposed, let them give a reason for their faith, and then let us act as a jury.

I undertake to say that very few of those present have given any very considerable consideration to these various topics. For instance, furnishing a room for the jury to sleep; I don't know how practical that is. It does seem to me that this committee ought to be able to give us some recommendation and their reasons therefor.

Therefore, I offer as an amendment to the motion of Mr. Healy, that this matter be re-committed to the committee, with the request that they report on these various propositions at the next meeting of this Association, and that they give us recommendations and be prepared to come here and father the report on the floor of the house, whether they be majority or minority reports.

(The amendment was duly seconded.)

JUDGE F. H. HELSELL: I would like to make an amendment that the whole matter be laid on the table.

MR. WM. MCNETT: I don't want you to make a mistake here. The first proposition was passed upon this morning and it ought not to be laid on the table; that is in relation to selection of juries. I think it ought to be cut out, whatever motion is made.'

MR. C. G. SAUNDERS: I would like to inquire if this simply means that we discharge the committee on law reform? I think that would be the meaning of Judge Helsell's motion.

THE PRESIDENT: The motion, as I understand it, is to lay the whole matter on the table. Those in favor, say aye, and those opposed, no.

The motion is lost.

THE PRESIDENT: The question now before the house is on the motion to amend, by Mr. Hurd.

MR. J. H. McCONLOGUE: I offer as a substitute for the amendment and original motion, that this Association refer back propositions 2, 3, 4, 5, leaving number 1 stand as approved by the Association in the meeting this morning.

Upon a vote being taken the substitute motion was declared lost.

MR. HEALY: With the consent of my second I withdraw my original motion and I now move you that proposition 2 be laid on the table.

The motion was carried.

JUDGE HELSELL: I move that proposition 3 in this report be laid on the table by the side of number 2.

The motion was lost.

MR. McCONLOGUE: I move you that the Association vote in the affirmative and ask the Committee on Law Reform to report favorably on proposition 3.

MR. McNETT: I move to amend by submitting to the Bar Association that this Association vote to affirm proposition 3.

The motion was carried.

JUDGE HELSELL: I move the adoption of proposition number 4.

The motion was carried.

MR. HEALY: I move that proposition 5 be laid on the table.

The motion was carried.

THE PRESIDENT: We will now hear the report of the Committee on Resolutions.

REPORT OF COMMITTEE ON RESOLUTIONS

WHEREAS: The Iowa State Bar Association this day, June 25, 1915, closes at Fort Dodge, one of its most profitable and delightful meetings, to the success and pleasure of which numerous and valuable contributions have been made,

Resolved, that its most appreciative thanks are due and are hereby tendered to the citizens of this most progressive and beautiful city, and especially to the members of the Webster County Bar and the management of the Waukon Hotel, and to the speakers whose addresses have afforded the members of the Association such pleasure and profit, among which addresses, it would be no disparagement to the others to mention that of Hon. Charles B. Elliott.

Resolved, that Hon. Charles B. Elliott be elected an honorary member of this Association.

Resolved, that the thanks of the Association are tendered also to its outgoing officers for their faithful service, to which is due the Association's increasing membership, and the latter's increasing interest therein.

L. G. HURD,
H. E. DEEMER,
C. G. SAUNDERS,
D. D. MURPHY.

Upon motion duly made and seconded, the report of the Committee on Resolutions was adopted.

MR. DWIGHT G. MCCARTHY: Mr. President, I have been attending the Bar Association meetings for several years, and these same matters have come up in the same way, and it seems to be getting to be something of a joke. I believe the Law Reform Committee of this Association has an opportunity for real public service. I would like to see a change in the customary method. I believe this committee should make an investigation of real law reform and make a comprehensive report to the Association for their consideration. The fact of the matter is, as we all know, that the American legal system is under fire, and when these re-

forms do not come from within they will come from without. We may think that the Iowa procedure is more perfect than that of other states or countries, but at the same time it behooves us to investigate and look these matters up carefully and be prepared to make some changes. I, for one, would like to see a Law Reform Committee that would investigate thoroughly questions of law reform which are being agitated in different states and countries and prepare a report that deals not with unessential side-matters, but something fundamental, something that would give us a basis to work on in this State.

I therefore move you that the new Law Reform Committee be requested to investigate fundamental law reform and make a report to this Association.

MR. McCONLOGUE: I rise to a point of order. That is all provided for in the organic law of this Association.

THE PRESIDENT: That is sustained. It rests with the committee; I think the Constitution and By-Laws provide what their duties are.

JUDGE R. M. WRIGHT: I would like to suggest that the committee, when appointed, be requested to read the organic law.

MR. McNETT: I think those who talk about the organic law ought to read it.

THE PRESIDENT: There is a Committee on Taxation, two of the members retiring each year; there is nothing in the law which seems to designate who retires.

MR. McCONLOGUE: I unfortunately was named chairman of that committee. It was our hope that the last Legislature would adopt some modern law on taxation. A bill was introduced in the Senate but was defeated, so that the taxation laws of Iowa are still in the condition they were years ago. The only recommendation I have to offer is that this committee make a full report at the next meeting of this Association for the benefit of the next Legislature.

THE PRESIDENT: If I have any duty to perform in the way of appointing, I do not know whose term expires.

MR. McCONLOGUE: I have been on the committee two years now. The terms of the first two named expire.

At this time, 3 P. M., on motion duly made, the Association adjourned, *sine die*.

CONSTITUTION AND BY-LAWS
OF
THE IOWA STATE BAR ASSOCIATION

CONSTITUTION

ARTICLE I

NAME

This Association shall be known as the Iowa State Bar Association.

ARTICLE II

OBJECT

This Association is formed to elevate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice and equity, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education for the law and to cherish a spirit of brotherhood among the members thereof.

ARTICLE III

MEMBERSHIP

All those persons whose names are printed in the "List of Members of the Iowa State Bar Association-1913-14," published in the Proceedings of the 1913 Annual Meeting, at pages 269 to 278, inclusive, and all members of this Association whose names may have been inadvertently omitted from such list by the publishers, are hereby declared to constitute the present membership of this Association.

Any member of the legal profession in good standing residing in this state and any judge of any Court of record may be admitted to this Association on such terms and in the manner as may be provided by the By-Laws.

ARTICLE IV

AFFILIATED COUNTY AND CITY BAR ASSOCIATIONS

Any County or City Bar Association in Iowa may become affiliated with this Association on such terms and in the manner as may be provided by the By-Laws.

ARTICLE V**HONORARY MEMBERSHIP**

This Association may elect distinguished persons to honorary membership in this Association on the terms and in the manner as may be provided by the By-Laws.

ARTICLE VI**OFFICERS**

The officers of this Association shall be a President, Vice-President, Secretary, Treasurer, Librarian, and such other officers as may from time to time be provided for by the By-Laws, and their terms of office, manner of election, etc., shall be as may be provided by the By-Laws; but the President shall not be eligible for immediate reelection except immediately following his having filled out the unexpired term of another.

ARTICLE VII**EXECUTIVE COMMITTEE**

The business of this Association shall be conducted by an Executive Committee, of which the President, Vice-President and Secretary of this Association shall be ex-officio members and officers. Such committee shall have full charge of the program for each annual meeting and shall have supervisory control of all local arrangements at the annual meetings. The number of this committee, its duties, the manner of appointment or election of its members and their terms of office and place of residence shall all be as may be provided by the By-Laws. This committee may adopt rules not inconsistent herewith or the By-Laws, governing its deliberations and the conduct of the business and affairs of the Association, and the President may appoint from its membership sub-committees and refer matters to the same.

ARTICLE VIII**STANDING AND SPECIAL COMMITTEES**

This Association shall have the following standing and special committees: Committee on Membership, Committee on Affiliated County and City Bar Associations, Committee on Grievances, Committee on Law Reform, Committee on Legal Education and Admission to the Bar, Committee on Legal Biography, Committee on Professional Ethics, Committee on Uniform State Laws, and such other committees as may be provided by the By-Laws. The number of the members of each such committee and the manner and method of their election or appointment shall all be as may be provided by the By-Laws. Special committees may be created by duly adopted motion or resolution.

ARTICLE IX**VOTING AND TRANSACTING OFFICIAL AND COMMITTEE BUSINESS BY MAIL**

The officers and committees of this Association may consider and act by mail upon any matter pertaining to the affairs of this Association, and when

a vote is so taken in writing and duly entered in the minutes of such officers or committee, it shall stand as their official action.

ARTICLE X

ANNUAL AND SPECIAL MEETINGS

This Association shall hold annual meetings at such place and time as shall be provided by the By-Laws, and the Executive Committee may in its discretion call special meetings; but no business shall be transacted at any special meeting other than that clearly set out in the call.

ARTICLE XI

ADMISSION FEES AND ANNUAL DUES

There shall be no admission fee in this Association. Each member shall pay to the Treasurer annual membership dues, in the amount, at the time or times and place, to become delinquent with penalties, forfeitures and the like, all as may be provided by the By-Laws.

ARTICLE XII

HONORARY DELEGATES

This Association will receive Delegates from any other Bar Association who shall be entitled to all the privileges of membership except the right to vote and hold office.

ARTICLE XIII

WITHDRAWALS AND EXPULSIONS

Any member may withdraw from this Association in the manner and upon the conditions as may be provided by the By-Laws, and any member may be suspended or expelled from this Association for misconduct in his relations to a brother attorney, whether or not the latter is a member of this Association, and for professional misconduct, all as may be provided by the By-Laws.

ARTICLE XIV

VACANCIES

Vacancies occurring in the offices and committees of this Association shall be filled as may be provided by the By-Laws.

ARTICLE XV

BY-LAWS

This Association shall have By-Laws not inconsistent herewith for the government, control and direction of the business and deliberations of this Association, its officers and committees, which By-Laws may be amended as shall be provided by the By-Laws.

CONSTITUTION AND BY-LAWS

ARTICLE XVI

QUORUM

The number of members constituting a Quorum for the transacting of all the business of this Association in both regular and special meetings shall be twenty-five members; but a less number may adjourn to a fixed time.

ARTICLE XVII

AMENDMENTS

This Constitution may be amended at any annual meeting by an affirmative vote of two-thirds or more of the members present, or by a majority vote when the proposed amendment has been submitted to the last preceding annual meeting and laid over or when a proposed amendment has been printed and mailed by the Secretary to each member of the Association ten or more days prior to the annual meeting at which it is to be acted upon.

BY-LAWS

RULE I

MEETINGS

The annual meetings of this Association shall be held in June at a place and on a day or days to be fixed by the Executive Committee, announced at the annual meeting and published with the proceedings.

Should a change be made in either or both the place or time of the annual meeting after publication of the proceedings, the Secretary shall give due notice thereof to the members both by mail and through the press.

RULE II

QUORUM

Twenty-five members shall constitute a Quorum for the transaction of all the business of this Association at both annual and special meetings; but a smaller number may adjourn to a fixed time until a Quorum appears.

RULE III

ORDER OF BUSINESS

The order of business of this Association shall be

1. Calling of the roll of members and recording the presence of a Quorum.
2. Correcting the minutes of the last preceding meeting as printed in the proceedings.
3. Presentation of petitions, letters, memorials, remonstrances, and other papers which may be referred to appropriate committees and otherwise disposed of without debate.
4. Report of the Committee on Membership.
5. Report of Committee on Affiliated County and City Bar Associations.

6. Annual Address of the President.
7. Report of Secretary.
8. Report of Treasurer.
9. Report of Librarian.
10. Report of the standing committees.
 - (a) Executive Committee.
 - (b) Committee on Grievances.
 - (c) Committee on Law Reform.
 - (d) Committee on Legal Education and Admission to the Bar.
 - (e) Committee on Legal History and Biography.
 - (f) Committee on Professional Ethics.
 - (g) Committee on Uniform State Laws.
 - (h) Committee on Taxation.
11. Report of Special Committees.
12. Nomination and Election of Officers.
13. Appointment of Delegates to the American Bar Association.
14. Banquet.
15. Special Addresses.
16. Unfinished Business.
17. New Business.
18. Motions and Resolutions.
19. Annual Addresses.
20. Installation of New Officers.
21. Announcement of Committees and Place and Time of Meeting.
22. Adjournment.

RULE IV

DUTIES OF THE PRESIDENT AND VICE-PRESIDENT

The President shall preside at all meetings of the Association and of the Executive Committee, may deputize the Vice-President or other member of the Association to preside for him, shall inspect and sign all bills and orders drawn on the treasury and all contracts and written instruments of the Association, assist in the transaction of all the business of the Association, and perform such other duties as may be required from time to time. He shall prepare and read or deliver to the Association the President's Annual Address and shall have full liberty in choice of subject and manner of treatment of the same.

In the absence of the President or his inability to serve, or whenever the President may request, and always when the President is absent, the Vice-President shall assume and discharge the duties of the President.

RULE V

DUTIES OF THE SECRETARY

It shall be the duty of the Secretary to keep a full record of the proceedings of the Association and of the Executive Committee, to draw all orders on the treasury for all sums ordered to be paid by the Association or the

Executive Committee, to attest all orders, contracts and other written instruments of the Association when executed by the President or the Vice-President when he is authorized to so act, to give all persons elected and appointed written notice of such election or appointment, and to perform such other duties as usually pertain to the office of a Secretary and as may be required of him from time to time by the Association or the Executive Committee.

The Secretary shall within ninety days after the close of each annual meeting cause to be printed in book form as many copies of the proceedings of such meeting as the Executive Committee may determine, which shall contain a complete report of all the proceedings, including all papers presented at or read before the Association, all toasts given at the annual banquet, the reports of all officers and committees, the Constitution and By-Laws of the Association, a list of officers of the Association from its organization, an alphabetical list of the members, a list of the members residing in each city and town under the names of such cities and towns, all alphabetically arranged, a list of honorary members, a list of the committees appointed at the last meeting under proper headings, and any other matter he may deem of sufficient importance to find a place in the volume, and to make and cause to be published a memorandum of all subjects referred to committees, general and special, the subject of each, and all of the annual addresses, giving author, and the subject and author of all papers read before the Association from its origin down to the time of the publication of the volume, the same to be after the form and style of such memoranda as printed and published in the proceedings of the American Bar Association for the year 1898.

He shall also have made an accurate, complete, thorough, modern index of the proceedings, with cross references, etc., so that the matter contained in each volume may be rendered easily accessible; and in the published proceedings for the year 1914 and each five years thereafter, to, in addition to the regular index, make and publish a complete, accurate and thorough index with usual cross references of all previous proceedings, for the previous five years, giving volume or year and page of the proceedings where the matter referred to may be found.

Immediately on publication, the Secretary shall mail to each member of the Association, including honorary members, one copy of the proceedings bound in board; and the remainder of such editions he shall ship to the Librarian except those volumes needed by him for exchange. Exchanges may be made with such societies and organizations as the Executive Committee may direct and it shall fix the price at which each volume may be sold. The compensation of the Secretary for all services requested and performed by him shall be the sum and amount of Three Hundred (300) Dollars per annum, payable monthly.

RULE VI

DUTIES OF THE TREASURER

It shall be the duty of the Treasurer to collect all sums of money due and owing the Association, especially annual dues of members and of affiliated County Bar Associations. To enable him to prevent delinquencies occurring and to adjust present and future delinquent dues, the Treasurer is hereby authorized to make use of all legal methods and means to collect and is hereby authorized to, in his discretion, amicably compound differences between the Association and members delinquent in dues.

He shall pay out of the funds of the Association all orders signed by the President or Vice-President and attested by the Secretary, and no others, shall report the condition of the treasury and the names and amounts of delinquent members whenever the Executive Committee shall request the same and on June 1st each year make a full report to the Executive Committee and the annual meeting of all his transactions, showing the present condition of the treasury, and shall accompany it with an alphabetically arranged list of delinquent members showing the sum owing by each, and perform such other duties as the Association or the Executive Committee may from time to time require.

The Treasurer shall furnish an official bond payable to the Association in a sum and amount to be determined by the Executive Committee, the premium for which shall be paid by the Association. For all his services as such officer he shall be paid the sum and amount of Two Hundred (200) Dollars, payable monthly.

RULE VII

DUTIES OF THE LIBRARIAN

It shall be the duty of the Librarian to receive from the Secretary all printed literature of the Association (except a sufficient number of the proceedings of each year for distribution among the members and exchangees provided for in Rule V hereof), and to preserve the same, and he is hereby directed to mail to each public library in the State a copy of the proceedings of each year and to exchange proceedings with all other State Bar Associations. He shall receive no compensation for his services.

RULE VIII

EXECUTIVE COMMITTEE

The business of this Association shall be conducted by an Executive Committee composed of the officers of this Association who shall be ex officio officers of the committee, and as many other members of the Association as there are Congressional Districts in the State, no two of which shall reside in the same District. It shall be the duty of the members from each Congressional District in attendance at each annual meeting to caucus and appoint and announce to the meeting at the time of the election of officers a

district member of such Executive Committee and attend annual meetings, to conduct and transact all business of this Association not in these rules assigned to one of the Standing Committees or by motion or resolution especially referred to a special or standing committee.

It shall also be the duty of the Executive Committee to take charge of, arrange for, provide and carry out all programs and entertainment for annual meetings and banquets, including the menu and other entertainment of a local nature, of all of which such committee is hereby given supreme control.

At the time of nominations and elections of officers the Executive Committee shall in writing report and the Secretary read to the meeting, the place selected for the next annual meeting and a list of names of members for election to the various offices of the Association, including delegates and their alternates to the American Bar Association; but such report shall not be adopted as a whole nor shall it prevent members from making other nominations for each office or elective committee. All elections shall be by ballot and by a majority of those present except when after reasonable calls by the chair for other nominations there shall be but one candidate for the office, when it shall be the duty of the chair to declare nominations closed and the candidate elected by unanimous consent.

RULE IX

STANDING COMMITTEES

There shall be appointed by the chair and announced at each annual meeting or announced in the proceedings of which immediate personal notice shall be mailed by the Secretary, the following standing committees: Committee on Membership, Committee on Affiliated County and City Bar Associations, Committee on Grievances, Committee on Law Reform, Committee on Legal Education and Admission to the Bar, Committee on Legal Biography, Committee on Professional Ethics, and Committee on Uniform State Laws.

RULE X

MEMBERSHIP COMMITTEE

The Committee on Membership shall consist of as many members as there are Congressional Districts in the State. The President shall appoint the committee, one from each Congressional District, and name one of them as Chairman. Each member of such committee is hereby empowered and directed to immediately appoint in each of the counties in his district a sub-committee of three resident members of this Association with power of removal and substitution. It shall be the duty of each county sub-committee to personally and in a body thoroughly canvass the Bar of its county and procure, if possible, written applications for membership from each eligible lawyer in such county not already a member of this Association and to recommend such applicant to the Association. The Chairman of such sub-committee shall at convenient intervals report all such applications to the

member of the Committee on Membership in his Congressional District, whose duty it shall be to report all such applications to the Chairman of the Committee on Membership, whose duty it shall be in turn to report all applications so recommended to the next annual meeting.

RULE XI

COMMITTEE ON GRIEVANCES

The Committee on Grievances shall consist of five members appointed by the President. This committee shall receive all complaints and charges of professional misconduct or breach of ethics against any member of the Bar practicing in the State of Iowa, whether or not a member of this Association, which complaints said committee shall investigate and in so doing may take testimony of witnesses, professional statements of Judges or attorneys at law, interview the accused and receive his oral or written statement regarding such charges and report them, together with the recommendations of the committee, to the next annual meeting. If such complaint or charge be against a member of the Association and appears to be well-founded, the committee shall suggest in its report what action in its judgment should be taken thereon by the Association, whereupon the Association may proceed to suspend or expel the accused from membership herein as provided in Rule XXV hereof.

If the charge be sustained and it be such as comes within the jurisdiction of the courts, this Association may order this committee to institute proceedings for disbarment as provided in Section 325 of the 1907 Supplement to the Code, whether or not the accused be a member of this Association, and the Association shall pay all costs and expenses incurred in the premises, the same to be billed to, audited by, and ordered paid by the Executive Committee hereof. If proceedings in Court be ordered, the said committee shall select from its own number not more than three members thereof to conduct the proceedings, and if any or either of the members so appointed shall fail or neglect to serve without good and sufficient cause being shown to said committee, such failure or neglect shall be reported to the next annual meeting and the Association may forfeit the membership of them or any of them so failing to perform the duty thus assigned. Whenever any complaint is filed or charges preferred or whenever the Committee on Grievances on its own motion shall elect to prefer charges or to investigate any matter brought to its attention, it shall cause the party against whom the complaint is made or the charges are preferred to be notified of the said charges, and if complaint is filed a copy thereof shall accompany the notice and the party so notified shall be permitted to appear in person or by attorney at the hearing thereof and to make resistance to said charges. All proceedings upon this preliminary hearing shall be secret and confidential, and no report thereof shall be made public unless and until the charges be sustained by the committee. If sustained, the findings thereon shall be reported to the Association with the testimony taken on the hearing.

No compensation shall be allowed to any member of the committee; but his necessary expenses shall be paid by the Association.

RULE XII

COMMITTEE ON LAW REFORM

The Committee on Law Reform shall consist of seven members appointed by the President. All proposed legislation shall be referred to the Committee on Law Reform, which committee shall examine and report on each proposition and may recommend appropriate legislation. Its report shall be in writing and filed with the Secretary at least three (3) weeks prior to each annual meeting and the Secretary shall have the same published and a copy mailed to each member at least ten days before such meeting.

RULE XIII

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

The Committee on Legal Education and Admission to the Bar shall be composed of five members appointed by the President, which committee shall perform the usual duties of such committee and such other duties as may be assigned to it.

RULE XIV

COMMITTEE ON LEGAL HISTORY AND BIOGRAPHY

The Committee on Legal History and Biography shall consist of five members, to be appointed by the President. It shall be the duty of this committee to receive all papers referred to it and to collect all data obtainable touching the past history of the Bar of Iowa and the members thereof, arrange such matter for publication and report the same to the Association.

RULE XV

COMMITTEE ON PROFESSIONAL ETHICS

The Committee on Professional Ethics shall consist of five members, to be appointed by the President. It shall be the duty of this committee to recommend such rules of conduct in addition to the Code adopted by this Association in 1909 as it deems essential to the maintenance of the highest standard of honor and integrity among the members of our profession.

RULE XVI

COMMITTEE ON UNIFORM STATE LAWS

The Committee on Uniform State Laws shall consist of five members, to be appointed by the President. It shall be the duty of this committee to act in conjunction with like committees from other states and national associations to the end that all laws save those purely local in character shall be made uniform and consistent and that when so made they be harmoniously interpreted.

RULE XVII**MEMBERS AND HONORARY MEMBERS**

Any member of the Bar of Iowa in good standing (which shall be presumed until the contrary is made to appear) and any judge of any Court of record may become a member of this Association by complying with the following: He shall sign a written application (to be furnished by the Secretary), applying for membership in this Association, giving his full name and address and procuring his recommendation as being eligible to membership in this Association by two members of this Association. When such application shall have received a majority vote at the following annual meeting he shall become a member of the Association, vested with all its rights and privileges.

Any one learned in the law may, regardless of residence, be elected to honorary membership in this Association by a majority vote of the members present on a written resolution proposing such honorary membership; but before action may be taken on such resolution the same shall be referred by the chair to and favorably reported back at the same meeting by not less than a majority vote of a special committee to be appointed by the chair, one from each Congressional District of the State.

Honorary members shall not serve on committees, vote or hold office in this Association.

RULE XVIII**LIFE MEMBERSHIP**

Any member of this Association in good standing may become a life member hereof by the payment into the treasury of the sum and amount of Thirty (30) Dollars, which shall be in lieu of all future dues and shall entitle the member to a certificate of life membership executed by the President and Secretary.

RULE XIX**AFFILIATED COUNTY AND CITY BAR ASSOCIATIONS**

Any County or City Bar Association in this State may become affiliated with this Association on written application to be filed with the Secretary. Such application shall be signed by the President and attested by the Secretary of such County or City Bar Association, which shall state the number and standing of its members and the number of the active members of the Bar not members of such County or City Bar Association.

When such application has been favorably acted upon by the Association by not less than a majority vote of the members present, said County or City Bar Association shall become affiliated with this Association as an Affiliated County or City Bar Association and all its members shall be members of this Association clothed with all the rights and privileges of a member.

It shall be the duty of the Treasurer of each Affiliated County or City Bar Association to collect from the members and forward to the Treasurer of this

Association the sum and amount of Two (2) Dollars for each member, which shall be in lieu and in full of the Three (3) Dollars annual dues of this Association paid by all other members, said remittance to be made before September 1st of each year.

The annual dues of an Affiliated County or City Bar Association shall become delinquent on September 1st of each year. Whenever an Affiliated County or City Bar Association becomes delinquent in dues its relations as a County or City Bar Association shall cease until its delinquent dues are paid, when such County or City Bar Association shall automatically be reinstated as an Affiliated County or City Bar Association. When an Affiliated County or City Bar Association is delinquent its members shall retain membership in this Association and shall be liable to the Association for the Three (3) Dollars annual dues of general members and for the current and succeeding years, all as provided in Rule XX hereof, until such time as such Association is reinstated.

RULE XX

COMMITTEE ON AFFILIATED COUNTY AND CITY BAR ASSOCIATIONS

The Committee on Affiliated County and City Bar Associations shall consist of as many members as there are Congressional Districts in the State, to be appointed by the President, who shall name one as Chairman. It shall be the duty of this committee to, each in his Congressional District, visit the County and City Bar Associations and endeavor to organize them into an Affiliated County or City Bar Association, and all his necessary expenses shall be audited and paid by the Executive Committee. Each application for such membership shall be on a form furnished by the Secretary and shall be recommended by the committeeman of the District of which the county is a part and forwarded to the Chairman of the committee, to be by him reported with other like applications to the next annual meeting.

RULE XXI

FEES AND DUES AND FISCAL YEAR

There shall be no initiation fees for membership in this Association, but each member (not enrolled as honorary) shall pay as annual dues the sum and amount of Three (3) Dollars, payable at the residence of the Treasurer.

The fiscal year of this Association shall begin on the 1st day of June, when the books shall be closed. The annual dues of each year shall become due and payable on June 1st, and shall become delinquent on the 1st day of September following. No member shall be permitted to attend any annual meeting or exercise any other privilege of membership while his dues are delinquent. Any member delinquent in his dues shall be subject to sight draft by the Treasurer, with the customary expenses added.

RULE XXII**SECTION ON TAXATION**

There shall be created a Section on Taxation, such section to consist of six members, two of whom shall be annually appointed by the President to serve for three years.

Said section will immediately organize and investigate its subject during the year and at the annual meeting shall have a time for its report assigned to it, at which the Chairman of the committee shall preside.

The proceedings of this section under appropriate headings shall be published with the proceedings of this Association and may in the discretion of the committee be published and distributed to the members in advance of the meeting.

RULE XXIII**TERMS OF OFFICE AND ELIGIBILITY**

The term of office of all officers and committees of this Association shall be for one year or until their successors are elected and assume their respective duties, unless otherwise stated in the Constitution and By-Laws.

No member of this Association shall be eligible to serve on more than one standing committee at a time, and if inadvertently placed on two or more his first appointment only shall be valid and the place or places on other committees to which he may have been appointed shall be vacancies to be filled under the rules of this Association.

RULE XXIV**RESIGNATIONS**

Any member may resign his membership in this Association provided his dues are not delinquent and he is not indebted to the Association for annual dues for the current year. All resignations must be in writing signed by the member and forwarded to the Secretary, who shall immediately refer the same to the Membership Committee, which shall ascertain the cause of such resignation and endeavor to have it withdrawn; but unless such resignation is withdrawn the Secretary shall report it to the first annual meeting following its filing and the Treasurer shall report to such meeting the standing of the resigning member with reference to dues and delinquencies, and the like.

RULE XXV**DISBARMENT, SUSPENSION AND EXPULSION**

When it shall appear of record in any of the courts of the State that a member of this Association has been finally disbarred he shall thereupon cease to be a member of this Association and the Secretary shall drop his name from the roll of members and report his action to the next annual meeting. A member may be suspended or expelled from this Association for misconduct of any kind; but a written complaint signed by three or more members shall be the foundation of suspension or expulsion, which charge

shall be referred to the Committee on Grievances, which shall give the accused a hearing if he so desires and forthwith report its findings to the annual meeting, where the accused may appear in person and by attorney and be heard.

RULE XXVI

LIMITATIONS AS TO SPEAKING

No member shall speak more than once nor for longer than five minutes on any matter or motion pending before the Association except by unanimous consent and except that the member who makes a motion or offers a resolution shall have the right to close the debate by a second speech of five minutes unless longer time be granted by unanimous consent.

RULE XXVII

AUDITING COMMITTEE

The President shall, prior to June 1st, appoint an Auditing Committee of three members, at least two of whom shall be residents of the town or city of the Treasurer's residence, to which shall be referred all books and reports of officers. Such committee shall examine all books and accounts, vouchers and other matters pertaining to the business of this Association and report thereon at the coming annual meeting.

RULE XXVIII

RULES OF ORDER

"Roberts' Rules of Order" shall be the guide and authority in all parliamentary matter arising in the meetings of this Association and not provided for in these rules.

RULE XXIX

SUSPENSION OF AND AMENDMENTS TO BY-LAWS

Any By-Law may be temporarily suspended by unanimous consent of the members present, and these By-Laws may be amended by a two-thirds majority vote of the members present, provided the amendment be presented in writing, or by a majority vote if presented at one meeting, referred and published in the proceedings or if printed copies are mailed to the members by the Secretary fifteen days before the annual meeting.

LIST OF OFFICERS AND MEMBERS OF THE VARIOUS COMMITTEES SINCE THE ORGANIZATION OF THE IOWA STATE BAR ASSOCIATION

1894

Temporary Chairman.....EMLIN MCCLAIN, *Iowa City*
Temporary Secretary.....JAMES W. BOLLINGER, *Davenport*

1895

President.....A. J. McCARY, *Keokuk*
Vice-President.....L. G. KINNE, *Des Moines*
Secretary.....JAMES W. BOLLINGER, *Davenport*
Treasurer.....JOHN N. BALDWIN, *Council Bluffs*

COMMITTEES

Executive.—First District, E. S. Huston, Burlington; Second District, M. J. Wade, Iowa City; Third District, C. E. Pickett, Waterloo; Fourth District, J. R. Bane, New Hampton; Fifth District, D. E. Voris, Marion; Sixth District, L. C. Blanchard, Oskaloosa; Seventh District, James G. Day, Des Moines; Eighth District, L. C. Mechem, Centerville; Ninth District, E. W. Weeks, Guthrie Center; Tenth District, D. C. Chase, Webster City; Eleventh District, Craig L. Wright, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; Geo. W. Wakefield, Sioux City; H. O. Weaver, Wapello.

Legal Biography.—George G. Wright, Des Moines; H. S. Winalow, Newton; N. M. Hubbard, Cedar Rapids.

To Prepare By-Laws.—A. J. McCary, Keokuk; E. S. Huston, Burlington; L. C. Blanchard, Oskaloosa.

Law Reform.—A. B. Cummins, Des Moines; J. J. Tollerton, Cedar Falls; Samuel Hayes, Iowa City; Perry D. Rose, Jefferson; T. B. Perry, Albia; J. H. Henderson, Indianola; Craig L. Wright, Sioux City.

Membership.—C. L. Nourse, Des Moines; Jacob Sims, Council Bluffs; D. C. Chase, Webster City.

Grievances.—Lewis Miles, Corydon; Anthony C. Daly, Marshalltown; W. A. Park, Des Moines; T. C. Dawson, Council Bluffs; J. T. Illiek, Burlington.

Auditing.—M. J. Wade, Iowa City; E. S. Huston, Burlington; Thomas A. Cheshire, Des Moines.

1896

President.....	L. G. KINNE, <i>Des Moines</i>
Vice-President.....	J. H. HENDERSON, <i>Indianola</i>
Secretary.....	JAMES W. BOLLINGER, <i>Davenport</i>
Treasurer.....	GEORGE F. HENRY, <i>Des Moines</i>

COMMITTEES

Executive.—First District, H. O. Weaver, Wapello; Second District, M. J. Wade, Iowa City; Third District, C. E. Pickett, Waterloo; Fourth District, J. B. Bane, New Hampton; Fifth District, George W. Burnham, Vinton; Sixth District, H. S. Winalow, Newton; Seventh District, James G. Day, Des Moines; Eighth District, L. C. Mechem, Centerville; Ninth District, P. L. Sever, Stuart; Tenth District, J. A. Henderson, Jefferson; Eleventh District, Craig L. Wright, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; H. O. Weaver, Wapello; Geo. W. Wakefield, Sioux City.

Legal Biography.—George G. Wright, Des Moines; H. S. Winalow, Des Moines; N. M. Hubbard, Cedar Rapids.

Constitution and By-Laws.—Charles M. Harl, Council Bluffs; Milton Bemley, Iowa City; C. H. Hatch.

Law Reform.—A. B. Cummins, Des Moines; J. J. Tollerton, Cedar Falls; Samuel Hayes, Iowa City; Perry D. Rose, Jefferson; T. B. Perry, Albia; J. H. Henderson, Indianola; Craig L. Wright, Sioux City.

Membership.—C. L. Nourse, Des Moines; Jacob Sims, Council Bluffs; D. C. Chase, Webster City.

Grievances.—Lewis Miles, Corydon; Anthony C. Daly, Marshalltown; W. A. Park, Des Moines; T. C. Dawson, Council Bluffs; J. T. Illick, Burlington.

Delegates to American Bar Association.—L. G. Kinne, Des Moines; Emlin McClain, Iowa City; James G. Day, Des Moines.

1897

President.....	J. H. HENDERSON, <i>Indianola</i>
Vice-President.....	M. J. WADE, <i>Iowa City</i>
Secretary.....	NATHAN E. COFFIN, <i>Des Moines</i>
Treasurer.....	GEORGE F. HENRY, <i>Des Moines</i>

COMMITTEES

Executive.—First District, Charles D. Leggett, Fairfield; Second District, E. M. Sharon, Davenport; Third District, J. J. McCarthy, Dubuque; Fourth District, J. H. McConlogue, Mason City; Fifth District, George W. Burnham, Vinton; Sixth District, Chas. R. Clark, Montezuma; Seventh District, John Shortley, Perry; Eighth District, L. C. Mechem, Centerville; Ninth District, E. W. Weeks, Guthrie Center; Tenth District, J. A. Henderson, Jefferson; Eleventh District, Craig L. Wright, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; H. O. Weaver, Wapello; Geo. W. Wakefield, Sioux City.

Legal Biography.—H. S. Winalow, Newton; C. C. Nourse, Des Moines; A. J. McCrary, Keokuk.

Constitution and By-Laws.—Milton Remley, Iowa City; James W. Bolinger, Davenport; T. M. Fee, Centerville.

Law Reform.—A. B. Cummins, Des Moines; John Cliggett, Mason City; L. C. Blanchard, Oskaloosa; J. H. Preston, Cedar Rapids; P. W. Burr, Charles City; C. A. Carpenter, Columbus Junction; Samuel Hayes, Iowa City.

Membership.—Robert M. Haines, Grinnell; W. A. Park, Des Moines; M. J. Tobin, Vinton.

Grievances.—Lewis Miles, Corydon; Anthony C. Daly, Marshalltown; P. L. Sever, Stuart; C. G. Saunders, Council Bluffs; W. J. Roberts, Keokuk.

Delegates to American Bar Association.—L. G. Kinne, Des Moines; Emlin McClain, Iowa City; J. H. McConlogue, Mason City.

Program.—E. H. Crocker, Cedar Rapids; M. J. Wade, Iowa City; F. W. Eichelberger, Bloomfield.

1898

President.....	M. J. WADE, Iowa City
Vice-President.....	JAMES O. CROSBY, Garnaville
Secretary.....	NATHAN E. COFFIN, Des Moines
Treasurer.....	GEORGE F. HENRY, Des Moines

COMMITTEES

Executive.—First District, W. J. Roberts, Keokuk; Second District, James H. Feenan, Marengo; Third District, J. A. Rogers, Clarion; Fourth District, Wm. E. Fuller, West Union; Fifth District, E. H. Crocker, Cedar Rapids; Sixth District, Charles B. Clark, Montezuma; Seventh District, J. H. Henderson, Indianola; Eighth District, L. C. Mechem, Centerville; Ninth District, E. W. Weeks, Guthrie Center; Tenth District, J. A. Henderson, Jefferson; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; H. O. Weaver, Wapello.

Legal Biography.—H. S. Winalow, Newton; David Ryan, Newton; A. J. McCrary, Keokuk.

Constitution and By-Laws.—M. W. Beach, Carroll; John Shortley, Perry; Perry D. Rose, Jefferson.

Law Reform.—L. C. Blanchard, Oskaloosa; J. P. Steele, Winterset; C. A. Carpenter, Columbus Junction; J. H. Preston, Cedar Rapids; T. G. Harper, Burlington; B. F. Jordan, Boone; Samuel Hayes, Iowa City.

Membership.—Robert M. Haines, Grinnell; W. L. Read, Des Moines; George C. Scott, Le Mars.

Grievances.—Lewis Miles, Corydon; C. E. Albrook, Eldora; Wm. H. Baily, Des Moines; C. G. Saunders, Council Bluffs; J. J. McCarthy, Dubuque.

Delegates to American Bar Association.—H. E. Deemer, Red Oak; C. A. Dudley, Des Moines; J. M. Parsons, Rock Rapids.

Program.—J. E. E. Markley, Mason City; W. B. Qarton, Algona; W. D. Evans, Hampton.

 1899

President.....JAMES O. CROSBY, *Garnaville*.

Vice-President.....L. C. BLANCHARD, *Oskaloosa*

Secretary.....SAM S. WRIGHT, *Tipton*

Treasurer.....GEORGE F. HENRY, *Des Moines*

COMMITTEES

Executive.—First District, H. M. Eicher, Washington; Second District, G. L. Johnson, Maquoketa; Third District, C. W. Mullan, Waterloo; Fourth District, J. H. McConlogue, Mason City; Fifth District, F. O. Ellison, Anamosa; Sixth District, David Ryan, Newton; Seventh District, J. P. Steele, Winterset; Eighth District, L. C. Mechem, Centerville; Ninth District, C. G. Saunders, Council Bluffs; Tenth District, E. A. Morling, Emmetsburg; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; H. O. Weaver, Wapello.

Legal Biography.—H. S. Winalow, Newton; David Ryan, Newton; A. J. McCrary, Keokuk.

Constitution and By-Laws.—M. W. Beach, Carroll; John Shortley, Perry; Perry D. Rose, Jefferson.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Bemley, Anamosa; J. C. Mabry, Centerville; E. S. Huston, Burlington; J. R. Whitaker, Boone; E. M. Sharon, Davenport.

Membership.—Robert M. Haines, Grinnell; W. L. Read, Des Moines; George C. Scott, Le Mara.

Grievances.—J. J. McCarthy, Dubuque; A. J. House, Maquoketa; D. D. Murphy, Elkader; C. W. Bingham, Cedar Rapids; F. C. Platt, Waterloo.

Delegates to American Bar Association.—Alphonse Matthews, Dubuque; J. H. Henderson, Indianola; W. B. Qarton, Algona.

Program.—J. H. Quick, Sioux City; J. E. E. Markley, Mason City; E. C. Roach, Rock Rapids.

 1900

President.....L. C. BLANCHARD, *Oskaloosa*

Vice-President.....J. J. MCCARTHY, *Dubuque*

Secretary.....SAM S. WRIGHT, *Tipton*

Treasurer.....GEORGE F. HENRY, *Des Moines*

COMMITTEES

Executive.—First District, E. S. Huston, Burlington; Second District, Fred Heinz, Davenport; Third District, C. W. Mullan, Waterloo; Fourth District, J. H. McConlogue, Mason City; Fifth District, F. O. Ellison, Anamosa; Sixth District, Robert M. Haines, Grinnell; Seventh District, C. P. Holmes, Des Moines; Eighth District, J. C. Mabry, Centerville; Ninth District, Thomas Arthur, Logan; Tenth District, Wesley Martin, Webster City; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; Thomas A. Cheshire, Des Moines; Samuel Hayes, Iowa City.

Legal Biography.—Geo. W. Wakefield, Sioux City; John Cliggett, Mason City; T. M. Fee, Centerville.

Constitution and By-Laws.—M. W. Beach, Carroll; John Shortley, Perry; Perry D. Rose, Jefferson.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Bemley, Anamosa; J. P. Lyman, Grinnell; E. S. Huston, Burlington; J. A. Whitaker, Boone; E. M. Sharon, Davenport.

Membership.—George C. Scott, Le Mars; Charles Baker, Iowa City; J. M. Read, Des Moines.

Grievances.—A. J. House, Maquoketa; L. L. Livingston, Corydon; D. D. Murphy, Elkader; C. W. Bingham, Cedar Rapids; F. C. Platt, Waterloo.

Delegates to American Bar Association.—George W. Seevers, Okaloosa; J. C. Sherwin, Mason City; James O. Crosby, Garnaville.

Program.—A. E. Swisher, Iowa City; J. H. Preston, Cedar Rapids; Robert M. Haines, Grinnell.

1901

President.....	J. J. MCCARTHY, <i>Dubuque</i>
Vice-President.....	J. H. MCCONLOGUE, <i>Mason City</i>
Secretary.....	SAM S. WRIGHT, <i>Tipton</i>
Treasurer.....	GEORGE F. HENRY, <i>Des Moines</i>

COMMITTEES

Executive.—First District, H. M. Eicher, Washington; Second District, S. F. Smith, Davenport; Third District, S. M. Weaver, Iowa Falls; Fourth District, W. A. Hoyt, Fayette; Fifth District, J. H. Preston, Cedar Rapids; Sixth District, C. M. Brown, Sigourney; Seventh District, J. D. Gamble, Knoxville; Eighth District, J. C. Mabry, Centerville; Ninth District, H. W. Byers, Harlan; Tenth District, E. V. Swetting, Algona; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; L. G. Kinne, Des Moines; George F. Henry, Des Moines; Thomas A. Cheshire, Des Moines; Samuel Hayes, Iowa City.

Legal Biography.—Geo. W. Wakefield, Sioux City; John Cliggett, Mason City; T. M. Fee, Centerville.

Constitution and By-Laws.—H. E. Deemer, Red Oak; J. A. Rogers, Clarion; E. M. Sharon, Davenport.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; H. K. Evans, Corydon.

Membership.—Jacob Sims, Council Bluffs; M. W. Beach, Carroll; E. M. Carr, Manchester.

Grievances.—F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; E. M. Carr, Manchester; Erastus B. Soper, Emmetsburg; Wm. E. Fuller, West Union.

Delegates to American Bar Association.—E. E. McElroy, Ottumwa; L. C. Blanchard, Oakaloosa; C. C. Cole, Des Moines.

Program.—C. G. Saunders, Council Bluffs; H. W. Byers, Harlan.

1902

President.....J. H. McCONLOGUE, *Mason City*

Vice-President.....ROBERT M. HAINES, *Griannel*

Secretary.....SAM S. WRIGHT, *Tipton*

Treasurer.....GEORGE F. HENRY, *Des Moines*

COMMITTEES

Executive.—First District, J. C. Davis, Keokuk; Second District, P. B. Wolfe, Clinton; Third District, S. M. Weaver, Iowa Falls; Fourth District, W. L. Eaton, Osage; Fifth District, C. W. Bingham, Cedar Rapids; Sixth District, C. M. Brown, Sigourney; Seventh District, J. H. Henderson, Indianola; Eighth District, H. K. Evans, Corydon; Ninth District, Shirley Gilliland, Glenwood; Tenth District, Ernest Kelley, Emmetsburg; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; H. E. Deemer, Red Oak; C. C. Cole, Des Moines; Geo. Dunham, Manchester; George F. Henry, Des Moines.

Legal Biography.—Geo. W. Wakefield, Sioux City; John Cliggett, Mason City; T. M. Fee, Centerville.

Constitution and By-Laws.—J. A. Rogers, Clarion; E. M. Sharon, Davenport; C. P. Holmes, Des Moines.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; James O. Crosby, Garnaville; H. M. Remley, Anamosa.

Membership.—J. J. McCarthy, Dubuque; M. W. Beach, Carroll; C. W. Mullan, Waterloo.

Grievances.—F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; L. L. Ainsworth, West Union; Erastus B. Soper, Emmetsburg.

Delegates to American Bar Association.—A. E. Swisher, Iowa City; J. H. McConlogue, Mason City; W. L. Eaton, Osage.

Program.—J. H. McConlogue, Mason City; E. M. Carr, Manchester; J. C. Longueville, Dubuque; M. C. Matthews, Dubuque.

1903

President.....	ROBERT M. HAINES, <i>Grinnell</i>
Vice-President.....	GEO. W. WAKEFIELD, <i>Sioux City</i>
Secretary.....	SAM S. WRIGHT, <i>Tipton</i>
Treasurer.....	GEORGE F. HENRY, <i>Des Moines</i>

COMMITTEES

Executive.—First District, J. C. Davis, Keokuk; Second District, P. B. Wolfe, Clinton; Third District, S. M. Weaver, Iowa Falls; Fourth District, W. L. Eaton, Osage; Fifth District, C. W. Bingham, Cedar Rapids; Sixth District, E. E. McElroy, Ottumwa; Seventh District, J. H. Henderson, Indianola; Eighth District, H. K. Evans, Corydon; Ninth District, Shirley Gilliland, Glenwood; Tenth District, A. N. Boeye, Webster City; Eleventh District, E. C. Roach, Rock Rapids.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; H. E. Deemer, Red Oak; C. C. Cole, Des Moines; Wm. Hoffman, Muscatine; George F. Henry, Des Moines.

Legal Biography.—John Cliggett, Mason City; T. M. Fee, Centerville; James W. Bollinger, Davenport.

Constitution and By-Laws.—J. A. Rogers, Clarion; E. M. Sharon, Davenport; C. P. Holmes, Des Moines.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; James O. Crosby, Garnaville.

Membership.—Wm. H. Baily, Des Moines; J. P. Lyman, Grinnell; C. G. Saunders, Council Bluffs.

Grievances.—F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; J. J. Clark, Mason City; Erastus B. Soper, Emmetsburg.

Delegates to American Bar Association.—M. J. Wade, Iowa City; W. L. Eaton, Osage; H. M. Remley, Anamosa.

Program.—Robert M. Haines, Grinnell; J. P. Steele, Winterset; C. A. Bishop, Des Moines.

Commission on Taxation.—Charles A. Clark, Cedar Rapids; C. G. Saunders, Council Bluffs.

1904

President.....	GEO. W. WAKEFIELD, <i>Sioux City</i>
Vice-President.....	A. E. SWISHER, <i>Iowa City</i>
Secretary.....	SAM S. WRIGHT, <i>Tipton</i>
Treasurer.....	JESSE F. STEVENSON, <i>Des Moines</i>

COMMITTEES

Executive.—First District, H. M. Eicher, Washington; Second District, Fred Heins, Davenport; Third District, S. M. Weaver, Iowa Falls; Fourth District, H. T. Reid, Cresco; Fifth District, J. M. Grimm, Cedar Rapids;

Sixth District, E. E. McElroy, Ottumwa; Seventh District, Wm. H. Baily, Des Moines; Eighth District, H. K. Evans, Corydon; Ninth District, Henry B. Holman, Guthrie Center; Tenth District, Carl F. Kuehnle, Demison; Eleventh District, E. C. Roach, Rock Rapids.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; George F. Henry, Des Moines.

Legal Biography.—John Cliggett, Mason City; T. M. Fee, Centerville; James W. Bollinger, Davenport.

Constitution and By-Laws.—J. A. Rogers, Clarion; J. F. Clyde, Osage; William E. Miller, Bedford.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; H. M. Towner, Corning.

Membership.—M. A. Roberts, Ottumwa; Wm. H. Baily, Des Moines; J. P. Lyman, Grinnell.

Grievances.—F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; W. B. Quarton, Algona; Hazen I. Sawyer, Keokuk.

Delegates to American Bar Association.—C. A. Dudley, Des Moines; E. M. Carr, Manchester; W. B. Quarton, Algona.

Program.—Geo. W. Wakefield, Sioux City; W. S. Withrow, Mount Pleasant; E. E. McElroy, Ottumwa.

Commission on Taxation.—J. H. McConlogue, Mason City; J. C. Mabry, Centerville.

1905

President.....	A. E. SWISHER, <i>Iowa City</i>
Vice-President.....	WM. H. BAILY, <i>Des Moines</i>
Secretary.....	SAM S. WRIGHT, <i>Tipton</i>
Treasurer.....	JESSE F. STEVENSON, <i>Des Moines</i>

COMMITTEES

Executive.—First District, W. M. Walker, Keosauqua; Second District, John F. Devitt, Muscatine; Third District, S. M. Weaver, Iowa Falls; Fourth District, J. H. McConlogue, Mason City; Fifth District, J. L. Carney, Marshalltown; Sixth District, E. E. McElroy, Ottumwa; Seventh District, C. A. Dudley, Des Moines; Eighth District, P. C. Preston, Creston; Ninth District, C. E. Dean, Glenwood; Tenth District, E. V. Swetting, Algona; Eleventh District, Geo. W. Wakefield, Sioux City.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; George F. Henry, Des Moines.

Legal Biography.—George W. Wakefield, Sioux City; P. B. Wolfe, Clinton; William E. Miller, Bedford.

Law Reform.—L. G. Kinne, Des Moines; M. J. Wade, Iowa City; H. M. Remley, Anamosa; J. H. Henderson, Indianola; E. S. Huston, Burlington; Charles A. Clark, Cedar Rapids; H. M. Towner, Corning.

Membership.—Wm. H. Bailly, Des Moines; M. A. Roberts, Ottumwa; J. P. Lyman, Grinnell.

Grievances.—W. B. Quarton, Algona; F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; Hazen I. Sawyer, Keokuk.

Delegates to American Bar Association.—Geo. W. Wakefield, Sioux City; James W. Bollinger, Davenport; M. A. Roberts, Ottumwa.

Program.—C. A. Dudley, Des Moines; A. E. Swisher, Iowa City; George F. Henry, Des Moines.

Commission on Taxation.—E. E. McElroy, Ottumwa; James C. Davis, Des Moines.

Delegates to the World's Congress of Lawyers at St. Louis, Mo.—At Large, S. M. Weaver, Iowa Falls; At Large, H. M. Towner, Corning; First District, H. M. Eichler, Washington; Second District, Wm. Hoffman, Muscatine; Third District, J. J. McCarthy, Dubuque; Fourth District, James O. Crosby, Garnavillo; Fifth District, J. L. Carney, Marshalltown; Sixth District, L. C. Blanchard, Oakaloosa; Seventh District, C. C. Cole, Des Moines; Eighth District, H. K. Evans, Corydon; Ninth District, H. E. Deemer, Red Oak; Tenth District, E. A. Morling, Emmetsburg; Eleventh District, Scott M. Ladd, Sheldon.

1906

President.....WM. H. BAILLY, *Des Moines*
 Vice-President.....H. M. TOWNER, *Corning*
 Secretary.....CHARLES M. DUTCHER, *Iowa City*
 Treasurer.....JESSE F. STEVENSON, *Des Moines*

COMMITTEES

Executive.—W. H. Bailly, ex-officio chairman; First District, W. M. Keeley, Washington; Second District, J. F. Devitt, Muscatine; Third District, Charles W. Mullan, Waterloo; Fourth District, J. H. McConlogue, Mason City; Fifth District, J. W. Willett, Tama; Sixth District, W. G. Clements, Newton; Seventh District, Carroll Wright, Des Moines; Eighth District, William E. Crum, Bedford; Ninth District, Henry B. Holsman, Guthrie Center; Tenth District, J. E. Wickham, Garner; Eleventh District, F. F. Faville, Storm Lake.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; Charles Noble Gregory, Iowa City.

Legal Biography.—James O. Crosby, Garnavillo; P. B. Wolfe, Clinton; William E. Miller, Bedford.

Law Reform.—Charles A. Clark, Cedar Rapids; H. M. Remley, Anamosa; M. J. Wade, Iowa City; J. H. Henderson, Indianola; W. D. Evans, Hampton; R. M. Wright, Ft. Dodge; James W. Bollinger, Davenport.

Membership.—C. L. Powell, Des Moines; W. J. Roberts, Keokuk; J. W. Hallam, Sioux City.

Grievances.—W. B. Quarton, Algona; F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; Hazen I. Sawyer, Keokuk; M. A. Roberts, Ottumwa.

Delegates to American Bar Association.—Charles A. Dudley, Des Moines; J. H. McConlogue, Mason City; M. J. Wade, Iowa City.

Commission on Taxation.—J. H. McConlogue, Mason City (elected 1903); J. C. Mabry, Centerville (elected 1903); E. E. McElroy, Ottumwa (elected 1904); James C. Davis, Des Moines (elected 1904); Charles A. Clark, Cedar Rapids (elected 1905); C. G. Saunders, Council Bluffs (elected 1905).

1907

President.....H. M. TOWNER, *Corning*
 Vice-President.....D. D. MURPHY, *Elkader*
 Secretary.....CHARLES M. DUTCHER, *Iowa City*
 Treasurer.....CHARLES S. WILCOX, *Des Moines*

COMMITTEES

Executive.—H. M. Towner, ex-officio chairman; First District, C. A. Carpenter, Columbus Junction; Second District, J. F. Devitt, Muscatine; Third District, E. M. Carr, Manchester; Fourth District, J. H. McConlogue, Mason City; Fifth District, J. L. Carney, Marshalltown; Sixth District, W. B. Lewis, Montezuma; Seventh District, C. G. Lee, Ames; Eighth District, W. E. Miller, Bedford; Ninth District, Henry B. Holsman, Guthrie Center; Tenth District, Wesley Martin, Webster City; Eleventh District, M. W. White, Ida Grove.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; Charles Noble Gregory, Iowa City.

Legal Biography.—James O. Crosby, Garnaville; P. B. Wolfe, Clinton; E. M. Sharon, Davenport.

Law Reform.—James W. Bollinger, Davenport; Charles A. Clark, Cedar Rapids; H. M. Remley, Anamosa; M. J. Wade, Iowa City; J. H. Henderson, Indianola; W. D. Evans, Hampton; R. M. Wright, Ft. Dodge.

Membership.—C. S. Grilk, Davenport; C. L. Powell, Des Moines; J. W. Hallam, Sioux City.

Grievances.—W. B. Quarton, Algona; F. C. Platt, Waterloo; C. W. Bingham, Cedar Rapids; Hazen I. Sawyer, Keokuk; M. A. Roberts, Ottumwa.

Delegates to American Bar Association.—W. H. Baily, Des Moines; A. E. Swisher, Iowa City; M. A. Walsh, Clinton.

Commission on Taxation.—James C. Davis, Des Moines (elected 1904); Charles A. Clark, Cedar Rapids (elected 1905); C. G. Saunders, Council Bluffs (elected 1905); W. O. McElroy, Newton (elected to fill unexpired term of E. E. McElroy who was elected in 1904); C. P. Smith, Mason City (elected 1906); A. R. Wells, Corning (elected 1906).

1908

President.....D. D. MURPHY, *Elkader*
 Vice-President.....JAMES W. BOLLINGER, *Davenport*
 Secretary.....CHARLES M. DUTCHER, *Iowa City*
 Treasurer.....CHARLES S. WILCOX, *Des Moines*

COMMITTEES

Executive.—D. D. Murphy, ex-officio chairman; First District, Charles J. Wilson, Washington; Second District, J. F. Devitt, Muscatine; Third District, E. M. Carr, Manchester; Fourth District, A. N. Hobson, West Union; Fifth District, James H. Crosby, Cedar Rapids; Sixth District, Henry Silwold, Newton; Seventh District, R. L. Parrish, Des Moines; Eighth District, Thomas L. Maxwell, Creston; Ninth District, Charles M. Harl, Council Bluffs; Tenth District, Carl F. Kuehnle, Denison; Eleventh District, W. W. White, Ida Grove.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; C. C. Cole, Des Moines; H. E. Deemer, Red Oak; Wm. Hoffman, Muscatine; Charles Noble Gregory, Iowa City.

Legal Biography.—James O. Crosby, Garnavillo; P. B. Wolfe, Clinton; W. R. Lewis, Montezuma.

Law Reform.—M. J. Wade, Iowa City; George W. Dunham, Manchester; J. L. Carney, Marshalltown; H. M. Remley, Anamosa; J. H. Henderson, Indianola; W. D. Evans, Hampton; C. A. Dudley, Des Moines.

Membership.—F. C. Platt, Waterloo; Charles Grilk, Davenport; C. L. Powell, Des Moines.

Grievances.—W. B. Quarton, Algona; E. H. Crocker, Cedar Rapids; Hazen I. Sawyer, Keokuk; M. A. Roberts, Ottumwa; Wesley Martin, Webster City.

Delegates to the American Bar Association.—H. M. Towner, Corning; E. M. Sharon, Davenport; Shirley Gilliland, Glenwood.

Program.—D. D. Murphy, Elkader; H. M. Towner, Corning; James W. Bollinger, Davenport.

Uniform Laws.—Charles G. Saunders, Council Bluffs; Horace E. Deemer, Red Oak; William H. Baily, Des Moines; A. E. Swisher, Iowa City; L. C. Blanchard, Oakaloosa.

1909

President.....JAMES W. BOLLINGER, *Davenport*
 Vice-President.....CHARLES M. HARL, *Council Bluffs*
 Secretary.....CHARLES M. DUTCHER, *Iowa City*
 Treasurer.....CHARLES S. WILCOX, *Des Moines*

COMMITTEES

Executive.—J. W. Bollinger, ex-officio chairman; First District, Marsh W. Bailey, Washington; Second District, A. J. House, Maquoketa; Third District, C. W. Mullan, Waterloo; Fourth District, Charles E. Scholz, Gut-

tenberg; Fifth District, J. L. Carney, Marshalltown; Sixth District, M. A. Roberts, Ottumwa; Seventh District, J. K. Macomber, Des Moines; Eighth District, Lloyd Thurston, Osceola; Ninth District, C. G. Saunders, Council Bluffs; Tenth District, Dwight G. McCarty, Emmetsburg; Eleventh District, W. P. Briggs, Sheldon.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; Charles Noble Gregory, Iowa City; Wm. Hoffman, Muscatine; E. B. Evans, Des Moines; J. H. McConlogue, Mason City.

Legal Biography.—D. J. Murphy, Waukon; W. B. Lewis, Montesuma; P. B. Wolfe, Clinton.

Law Reform.—H. E. Deemer, Red Oak; J. L. Carney, Marshalltown; H. O. Weaver, Wapello; Wm. McNett, Ottumwa; J. A. Howe, Des Moines; C. W. Mullan, Waterloo; H. K. Evans, Corydon.

Membership.—J. H. Egermayer, Marshalltown; J. K. Macomber, Des Moines; O. B. Courtright, Waterloo.

Grievances.—H. M. Towner, Corning; J. D. Gamble, Knoxville; J. C. Mabry, Centerville; W. B. Quarton, Algona; W. E. Green, Audubon.

Delegates to American Bar Association.—D. D. Murphy, Elkader; J. F. Devitt, Muscatine; Henry Vollmer, Davenport.

1910

President.....	CHARLES M. HARL, <i>Council Bluffs</i>
Vice-President.....	J. L. CARNEY, <i>Marshalltown</i>
Secretary.....	CHARLES M. DUTCHER, <i>Iowa City</i>
Treasurer.....	CHARLES S. WILCOX, <i>Des Moines</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive.—C. M. Harl, Council Bluffs, ex-officio chairman; First District, Hazen I. Sawyer, Keokuk; Second District, J. F. Devitt, Muscatine; Third District, A. J. Edwards, Waterloo; Fourth District, D. D. Murphy, Elkader; Fifth District, J. W. Willett, Tama City; Sixth District, H. G. Lyman, Grinnell; Seventh District, Jesse A. Miller, Des Moines; Eighth District, C. J. Lewis, Mt. Ayr; Ninth District, C. G. Saunders, Council Bluffs; Tenth District, W. W. Goodykoontz, Boone; Eleventh District, W. M. White, Ida Grove.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; Chas. Noble Gregory, Iowa City; Wm. Hoffman, Muscatine; E. B. Evans, Des Moines; J. H. McConlogue, Mason City.

Legal Biography.—D. J. Murphy, Waukon; W. B. Lewis, Montesuma; P. B. Wolfe, Clinton.

Law Reform.—H. E. Deemer, Red Oak; Jesse A. Miller, Des Moines; Wm. McNett, Ottumwa; J. L. Carney, Marshalltown; J. J. Clark, Mason City; L. H. Harpel, Boone; W. P. Briggs, Sheldon.

Grievances.—H. M. Towner, Corning; T. S. Stevens, Hamburg; H. E. Taylor, Waukon; Chas. S. Bradshaw, Des Moines; W. D. Milligan, Guthrie Center.

Uniform Laws.—Chas. G. Saunders, Council Bluffs; Horace E. Deemer, Red Oak; M. J. Wade, Iowa City; Wm. H. Baily, Des Moines; C. J. Wilson, Washington.

Program.—C. M. Harl, Council Bluffs; J. W. Bollinger, Davenport; J. L. Carney, Marshalltown.

Delegates to American Bar Association.—J. W. Bollinger, Davenport; S. M. Weaver, Iowa Falls; W. D. Milligan, Guthrie Center.

 1911

President.....	J. L. CARNEY, <i>Marshalltown</i>
Vice-President.....	C. G. SAUNDERS, <i>Council Bluffs</i>
Secretary.....	CHARLES M. DUTCHER, <i>Iowa City</i>
Treasurer.....	CHARLES S. WILCOX, <i>Des Moines</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—J. L. Carney, ex-officio, chairman; First District, Marsh W. Bailey, Washington; Second District, J. P. Devitt, Muscatine; Third District, Franklin C. Platt, Waterloo; Fourth District, B. W. Newberry, Strawberry Point; Fifth District, J. H. Egermayer, Marshalltown; Sixth District, M. A. Roberts, Ottumwa; Seventh District, W. W. Cardell, Perry; Eighth District, W. D. Evans, Hampton; Ninth District, E. W. Weeks, Guthrie Center; Tenth District, W. W. Goodykoontz, Boone; Eleventh District, W. P. Briggs, Sheldon.

Legal Education and Admission to the Bar.—Emlin McClain, Iowa City; Chas. N. Gregory, Iowa City; Wm. Hoffman, Muscatine; E. B. Evans, Des Moines; J. H. McConlogue, Mason City.

Legal Biography.—W. E. Lewis, Montezuma; J. O. Crosby, Garnaville; P. B. Wolfe, Clinton.

Law Reform.—H. E. Deemer, Red Oak; Carroll Wright, Des Moines; M. A. Roberts, Ottumwa; J. J. Clark, Mason City; W. P. Briggs, Sheldon; A. N. Hobson, West Union; C. H. Van Law, Marshalltown.

Membership.—Frank Nash, Oskaloosa; Frank S. Dunshee, Des Moines; J. H. Egermayer, Marshalltown.

Grievances.—H. M. Towner, Corning; T. S. Stevens, Hamburg; A. Chapin, McGregor; Chas. S. Bradshaw, Des Moines; W. D. Milligan, Guthrie Center.

Delegates to American Bar Association.—J. L. Carney, Marshalltown; J. B. Weaver, Jr., Des Moines; F. F. Faville, Storm Lake.

Program.—J. L. Carney, Marshalltown; C. G. Saunders, Council Bluffs; Jas. A. Devitt, Oskaloosa.

 1912

President.....	C. G. SAUNDERS, <i>Council Bluffs</i>
Vice-President.....	H. E. DEEMER, <i>Red Oak</i>
Secretary.....	H. C. HORACK, <i>Iowa City</i>
Treasurer.....	FRANK T. NASH, <i>Oskaloosa</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—C. G. Saunders, ex-officio, chairman; First District, E. D. Morrison, Washington; Second District, H. C. Horack, Iowa City; Third District, G. W. Dunham, Manchester; Fourth District, J. H. McConlogue, Mason City; Fifth District, H. M. Remley, Anamosa; Sixth District, W. R. Lewis, Montezuma; Seventh District, J. H. Henderson, Indianola; Eighth District, L. H. Mattox, Shenandoah; Ninth District, O. W. Witham, Greenfield; Tenth District, J. W. Morse, Estherville; Eleventh District, W. P. Briggs, Sheldon.

Legal Education and Admission to the Bar.—S. M. Ladd, Des Moines; E. B. Evans, Des Moines; Ralph Otto, Iowa City; H. J. Wilson, Burlington; J. C. France, Tipton.

Legal Biography.—C. J. Wilson, Washington; W. R. Lewis, Montezuma.

Law Reform.—E. B. Evans, Des Moines; J. J. Clark, Mason City; M. A. Roberts, Ottumwa; C. H. Van Law, Marshalltown; E. W. Weeks, Guthrie Center; Carroll Wright, Des Moines; A. N. Hobson, West Union.

Membership.—A. T. Cooper, Cedar Rapids; Frank S. Dunabee, Des Moines; James A. Devitt, Oskaloosa.

Grievances.—J. B. Weaver, Jr., Des Moines; S. B. Stevens, Hamburg; John McCoy, Oskaloosa.

Delegates to American Bar Association.—H. C. Horack, Iowa City.

Program.—C. G. Saunders, Council Bluffs; H. E. Deemer, Red Oak.

1913

President.....	H. E. DEEMER, <i>Red Oak</i>
Vice-President.....	JOHN F. LACEY, <i>Oskaloosa</i>
Secretary.....	H. C. HORACK, <i>Iowa City</i>
Treasurer.....	FRANK T. NASH, <i>Oskaloosa</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—H. E. Deemer, ex-officio, chairman; First District, H. J. Wilson, Burlington; Second District, Emlin McClain, Iowa City; Third District, George A. McIntyre, Shell Boek; Fourth District, C. E. Scholz, Guttenberg; Fifth District, C. H. Van Law, Marshalltown; Sixth District, U. M. Reed, Brooklyn; Seventh District, R. M. Haines, Des Moines; Eighth District, L. H. Mattox, Shenandoah; Ninth District, I. N. Flickinger, Council Bluffs; Tenth District, J. W. Morse, Estherville; Eleventh District, George Jepson, Sioux City.

Legal Education and Admission to the Bar.—Scott M. Ladd, Des Moines; Ralph Otto, Iowa City; Louis Block, Davenport; F. W. Sargent, Sioux City; C. A. Dudley, Des Moines.

Legal Biography.—J. B. Weaver, Jr., Des Moines; W. R. Lewis, Montezuma; C. J. Wilson, Washington.

Law Reform.—E. B. Evans, Des Moines; J. J. Clark, Mason City; C. H.

Van Law, Marshalltown; W. E. Johnston, Ida Grove; A. N. Hobson, West Union; F. F. Dawley, Cedar Rapids; Robert Healy, Fort Dodge.

Membership.—O. D. Nickle, Sioux City; A. H. Hollingsworth, Keokuk; W. M. Davis, Iowa City; E. H. McCoy, Waterloo; A. L. Rule, Mason City; C. E. Walters, Toledo; T. J. Bray, Grinnell; Clifford Cox, Des Moines; V. R. McGinnis, Leon; Henry Peterson, Council Bluffs; Thomas McCarty, Emmetsburg.

Grievances.—E. C. Roach, Rock Rapids; F. F. Faville, Storm Lake; D. F. Stockman, Sigourney; E. M. Carr, Manchester; W. B. Quarton, Algona.

Delegates to American Bar Association.—Scott M. Ladd, Des Moines; H. C. Horack, Iowa City; E. M. Carr, Manchester.

Program.—H. E. Deemer, Red Oak; E. M. Haines, Des Moines; M. J. Wade, Iowa City.

Uniform Laws.—N. D. Ely, Davenport; J. L. Carney, Marshalltown; C. G. Saunders, Council Bluffs; Charles S. Bradshaw, Des Moines; Glen Brown, Dubuque.

Section on Taxation.—J. H. McConlogue, Mason City; Charles A. Clark, Cedar Rapids; John T. Clarkson, Albia; J. C. Mabry, Centerville; Wesley Martin, Webster City; Frank O'Connor, New Hampton.

Constitution and By-Laws.—A. T. Cooper, Cedar Rapids; E. M. Haines, Des Moines; J. A. Devitt, Oskaloosa.

1914

President.....	JOHN F. LACEY, <i>Oskaloosa</i>
Vice-President.....	F. F. DAWLEY, <i>Cedar Rapids</i>
Secretary.....	H. C. HORACK, <i>Iowa City</i>
Treasurer.....	FRANK T. NASH, <i>Oskaloosa</i>
Librarian.....	A. J. SMALL, <i>Des Moines</i>

COMMITTEES

Executive Committee.—John F. Lacey, ex-officio, chairman; First District, H. J. Wilson, Burlington; Second District, C. M. Dutcher, Iowa City; Third District, F. J. McGreevy, Ackley; Fourth District, Chas. Pergler, Cresco; Fifth District, C. J. Cash, Anamosa; Sixth District, W. O. McElroy, Newton; Seventh District, J. M. Parsons, Des Moines; Eighth District, V. R. McGinnis, Leon; Ninth District, C. G. Saunders, Council Bluffs; Tenth District, E. G. Albert, Jefferson; Eleventh District, W. A. Helsell, Odebolt.

Legal Education and Admission to the Bar.—Scott M. Ladd, Des Moines; Henry W. Dunn, Iowa City; F. W. Sargent, Des Moines; C. H. Van Law, Marshalltown; C. W. Mullan, Waterloo.

Legal Biography.—C. J. Wilson, Washington; W. R. Lewis, Montezuma; J. H. Henderson, Indianola.

Law Reform.—Wm. McNett, Ottumwa; M. J. Wade, Iowa City; E. M.

Haines, Des Moines; Hazen I. Sawyer, Keokuk; George Cosson, Audubon; C. W. Mullan, Waterloo; F. F. Faville, Storm Lake.

Membership.—Lamont Cowles, Burlington; Harry Vollmer, Davenport; E. H. McCoy, Waterloo; John Hamill, Britt; C. H. Van Law, Marshalltown; C. W. Whitmore, Ottumwa; Clifford Cox, Des Moines; V. R. McGinnis, Leon; Henry Peterson, Council Bluffs; Robert Healy, Fort Dodge; R. A. Marks, Sioux City.

Grievances.—E. C. Roach, Rock Rapids; F. F. Faville, Storm Lake; D. F. Stockman, Sigourney; E. M. Carr, Manchester; W. B. Quarton, Algona.

Delegates to American Bar Association.—D. C. Shull, Sioux City; J. N. Hughes, Cedar Rapids; I. N. Flickinger, Council Bluffs.

Program.—John F. Lacey, Oskaloosa; F. F. Dawley, Cedar Rapids.

Uniform Laws.—N. D. Ely, Davenport; J. L. Carney, Marshalltown; C. G. Saunders, Council Bluffs; Charles S. Bradshaw, Des Moines; Glen Brown, Dubuque.

Section on Taxation.—J. H. McConlogue, Mason City; Charles A. Clark, Cedar Rapids; John T. Clarkson, Albia; J. C. Mabry, Centerville; Wesley Martin, Webster City; Frank O'Connor, New Hampton.

Constitution and By-Laws.—A. T. Cooper, Cedar Rapids; H. E. Deesmer, Red Oak; J. A. Devitt, Oskaloosa.

Delinquencies and Dues.—C. M. Dutcher, Iowa City; Frank T. Nash, Oskaloosa; H. C. Horack, Iowa City.

Torrens or Other Systems of Land Titles.—O. P. Myers, Newton; E. G. Whitney, Sioux City; Chas. E. Scholz, Guttenberg; C. H. Van Law, Marshalltown; John T. Clarkson, Albia.

1915

President.....	F. F. DAWLEY, Cedar Rapids
Vice-President.....	A. N. HOBSON, West Union
Secretary.....	H. C. HORACK, Iowa City
Treasurer.....	FRANK T. NASH, Oskaloosa
Librarian.....	A. J. SMALL, Des Moines

COMMITTEES

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1916

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SCOTT M. LADD—"Should Expert Witnesses be appointed by the Court, or should their Selection be left to Litigants?"

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S. F. PROUTY—"Majority Verdicts in Civil Actions."

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CHARLES A. CLARK—"The Law Reformer."

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H. S. RICHARDS—*"Ought our Laws be so Amended as to Exempt from Taxation Moneys and Credits, and Other Forms of Property Easily Concealed?"*

A. E. SWISHER—*"Should the Law Providing for the Collection of Taxes be Changed so as to Enforce by Additional Penalty, or Partial Con- fication, the Assessments of Moneys and Credits which now Escape Taxation?"*

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F. F. DAWLEY—*"Submissions to the Supreme Court under the New Statute."*

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E. E. McELROY—"Double Taxation: Some Remedies Attempted."

FRANK I. HERRIOTT—"Are Moneys and Credits Appropriate Objects of Taxation?"

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D. D. MURPHY—"The Divorce Problem and Recent Decisions of the United States Supreme Court."

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JAMES G. BERRYHILL—"The Des Moines Plan of Municipal Government."

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HORACE E. DEEMER—"Proposed Reforms in Criminal Procedure."

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JOHN C. SHERWIN—"The Lawyer as a Patriot."

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RALPH OTTO—"A Practical Legal Education."

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- A. J. SMALL—"The Iowa State Library—With Special Reference to the Law Department."
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 JAMES A. DEVITT—"Major John F. Lacey."
 F. F. DAWLEY—"Relief for the Supreme Court."
 H. E. DEEMER—"Discussion of 'Disbarment of Attorneys.'"
 WM. MCNETT—"Discussion of 'Selection of Jurors.'"

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- HORACE M. TOWNER—"International Law and the European War."
 FRED W. SARGENT—"Dismissing without Prejudice."
 F. F. DAWLEY—"Local Self-Government for Cities and Towns."

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Committee to Investigate the Torrens or Other Land Title System.—To make a further report, p. 173.

Special Committee on Taxation.—To make a full report, p. 227.

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Ferguson, Earl R.	Shenandoah	Graesser, Geo. W.	Des Moines
Ferris, F. L.	Sioux City	Green, W. B.	Audubon
Ferson, M. L.	Iowa City	Greene, C. M.	Greene
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Finch, Parley	Humboldt	Griffiths, Henry H.	Des Moines
Fisher, A. W.	Walker	Grilk, Charles	Davenport
Fitzpatrick, Dan ^l H.	Mason City	Grimm, J. M.	Cedar Rapids
Fitzpatrick, M. J.	Fort Dodge	Grosenbaugh, F. A.	Fort Dodge
Fitzpatrick, T. J.	Dubuque	Guelich, Paul	Burlington
Flickinger, A. T.	Council Bluffs	Guernsey, N. T.	Des Moines
Flickinger, I. N.	Council Bluffs	Gullixson, O. T.	Bode
Flickinger, Reed A.	Council Bluffs	Guthrie, Thomas J.	Des Moines
Flynn, Sylvester	Eagle Grove		
Fordyce, E. A.	Cedar Rapids	Hadley, Herbert E.	Nevada
France, J. C.	Tipton	Haines, E. M.	Des Moines
Francis, L. E.	Spirit Lake	Hale, Oscar	Wapello
Frantsen, J. P.	Dubuque	Hall, J. C.	Davenport
French, Nathaniel	Davenport	Hall, S. M.	Cedar Rapids
Fribourg, A. L.	Sioux City	Hall, T. W.	Clinton
Frick, M. W.	Rockwell City	Halladay, A. B.	Des Moines
Friak, Edwin J.	Des Moines	Hallam, J. W.	Sioux City
Fry, H. E.	Boone	Halloran, John J.	Des Moines
		Hamann, Albert W.	Davenport
Gaass, Geo. G.	Pella	Hamiel, I. J.	Tipton
Gabrielson, V. E.	Fort Dodge	Hamilton, C. C.	Sioux City
Galer, B. S.	Mt. Pleasant	Hammill, John	Britt
Gamble, J. D.	Knoxville	Hanley, J. A.	Davenport
Gannon, M. V.	Davenport	Hann, Fred W.	Cedar Rapids
Ganoe, F. W.	Boone	Hansen, Harry N.	Des Moines
Garfield, C. W.	Humboldt	Hanson, Clarence M.	Fort Dodge
Garfield, G. S.	Humboldt	Harder, W. M.	Des Moines
Gaynor, Frank R.	Le Mars	Harding, W. L.	Sioux City
Geiger, W. G. W.	Tipton	Harmeier, E. J.	Washington
Geske, M. X.	McGregor	Harmon, M. W.	Independence
Gilbert, Barry	Berkeley, Cal.	Harnagle, Geo.	Des Moines
Gillespie, John L.	Des Moines	Harpel, L. V.	Boone
Gillet, O. T.	Red Oak	Harrington, T. P.	Algona
Gilmore, M. C.	Ottumwa	Hart, William H.	Sac City

Hart, W. R.	Iowa City	Horack, H. C.	Iowa City
Hartness, Moulton	Greene	Horan, L. J.	Muscatine
Harvison, W. G.	Des Moines	Houck, C. N.	Decorah
Harwood, Herbert M.	Iowa City	Housel, L. W.	Humboldt
Hastings, I. C.	Garner	Howard, R. G.	Jefferson
Hatfield, Paul M.	Sioux City	Howe, James A.	Des Moines
Hausberg, Ernest	Charles City	Howell, C. F.	Centerville
Havner, H. M.	Marengo	Hoxie, W. P.	Waterloo
Hays, Chas. L.	Eldora	Hubbard, J. W.	Sioux City
Hays, S. A.	Winterset	Hubbard, Lyle	Sioux City
Heald, F. A.	Cedar Rapids	Hubbard, N. M., Jr.	Des Moines
Healy, M. F.	Fort Dodge	Hubbell, F. M.	Des Moines
Healy, Robert	Fort Dodge	Hudson, E. P.	Des Moines
Helmer, Chas. C.	Carroll	Hughes, C. B.	West Union
Helsell, Chas. A.	Fort Dodge	Hughes, John N.	Cedar Rapids
Helsell, F. H.	Fort Dodge	Hull, H. W.	Madrid
Helsell, W. A.	Odebolt	Hunn, C. E.	Sioux City
Heminger, Amos L.	Keosauqua	Hunter, Robt.	Des Moines
Hemmingway, Max	Fort Dodge	Hurd, Louis G.	Dubuque
Henderson, J. A.	Jefferson	Hurley, W. H.	Wapello
Henderson, J. H.	Indianola	Hutchinson, M. E.	Lake City
Henderson, O. J.	Webster City	Hutchinson, Wm.	Alton
Henderson, T. G.	Sioux City		
Heninger, Chas. C.	Sigourney	Iddings, Foster G.	Sioux City
Henry, Ward C.	Des Moines		
Henry, Geo. F.	Des Moines	Jackson, D. V.	Muscatine
Herrick, M. W.	Monticello	Jackson, W. M.	Bedford
Hess, A. G.	Sioux City	Jacques, Jos. R.	Ottumwa
Hewitt, James P.	Des Moines	Jamison, J. W.	Cedar Rapids
Hickman, R. F.	Sidney	Jayne, Henry	Muscatine
Higbee, D. W.	Creston	Jebens, Henry H.	Davenport
Hill, L. A.	Mason City	Jennings, J. B.	Shenandoah
Hiller, William B.	Oakville	Jensen, J. Marcellus	Forest City
Hirsch, Edward L.	Burlington	Jensen, L. A.	Forest City
Hise, George E.	Des Moines	Jepson, C. N.	Sioux City
Hobson, A. N.	West Union	Jepson, George	Sioux City
Hoersch, Wm.	Davenport	Johnson, A. W.	Sioux City
Hoffman, A. H.	Des Moines	Johnson, E. A.	Lisbon
Hoffman, W.	Muscatine	Johnson, E. C.	Cedar Rapids
Holleran, F. L.	Clinton	Johnson, E. H.	Fort Dodge
Hollingsworth, A.	Keokuk	Johnson, Irving	Oskaloosa
Hollingsworth, Frank	Boone	Johnson, J. A.	Sioux City
Holsman, Henry B.	Guthrie Center	Johnson, Robt. E.	Marshalltown
Holsteen, Fred S.	Burlington	Johnson, S. C.	Knoxville
Hoover, Geo. C.	West Branch	Johnston, Will E.	Ida Grove

Jones, Carl B.	Sioux City	Ladd, Scott M.	Des Moines
Jones, C. R.	Cedar Rapids	Ladd, W. A.	Estherville
Joseph, John F.	Sioux City	Lake, John E.	Grinnell
Joy, C. L.	Sioux City	Lane, Dick E.	Davenport
Joyce, M. M.	Fort Dodge	Lane, J. Reed	Davenport
Kamrar, J. L.	Webster City	Lane, Joe R.	Davenport
Kane, A. J.	Dubuque	Lane, T. A.	Victor
Kass, J. F.	Sioux City	Lane, Wufred Gary	Des Moines
Kaufmann, Chas. B.	Davenport	Langland, Harry	Nevada
Keating, W. H.	Oskaloosa	Larrabee, Frederic	Fort Dodge
Keeler, Burr C.	Mason City	Larson, J. B.	Nevada
Keeley, W. M.	Washington	Laton, H. W.	Des Moines
Keenan, Thos. W.	Shenandoah	Lawrence, G. W.	Marshalltown
Keithley, Fred F.	Des Moines	Leach, R. E.	Independence
Kelleher, D. M.	Fort Dodge	Lee, C. G.	Ames
Kellogg, Geo. M., Jr.	Sioux City	Lee, J. W.	Webster City
Kelly, E. J.	Des Moines	Leggett, C. D.	Fairfield
Kelly, M. H.	Waterloo	Leggett, Richard C.	Fairfield
Kemmerer, Chas. T.	Davenport	Lehmann, F. W., Jr.	Des Moines
Kendall, N. E.	Albia	Lehr, Andrew G.	Sioux City
Kenderdine, G. A.	Des Moines	Lenihan, Jas. J.	Cedar Rapids
Kenline, H. C.	Dubuque	Leonard, J. C.	Cedar Rapids
Kennedy, J. L.	Sioux City	Letts, F. D.	Davenport
Kephart, George W.	Sioux City	Lewis, Chas. J.	Mt. Ayr
Kepler, M. H.	Northwood	Lewis, W. R.	Montezuma
Kern, C. D.	Waterloo	Lewis, W. S.	Glenwood
Kerr, William G.	Grundy Center	Linville, G. P.	Cedar Rapids
Kimball, Clem F.	Council Bluffs	Livingston, S. W.	Washington
Kindall, Asariah	Onawa	Locke, B. J.	Primghar
Kindig, J. W.	Sioux City	Logan, E. C.	Correctionville
Kingland, T. A.	Lake Mills	Lohr, F. W.	Sioux City
Kintzinger, J. W.	Dubuque	Longley, Alfred	Waterloo
Kirby, J. F.	Williamsburg	Loth, Allen	Forest City
Kirk, Clyde	Des Moines	Lovejoy, A. B.	Waterloo
Klay, Gerrit	Orange City	Lovejoy, Owen	Jefferson
Knapp, Bradford	Washington, D. C.	Lovrien, Frank S.	Humboldt
Knox, Carl P.	Stuart	Luke, John Y.	Ames
Konzen, P. H.	Sioux City	Lutz, T. B.	Mapleton
Korf, H. C.	Newton	Lyman, H. G.	Grinnell
Korns, F. B.	Des Moines	Lyman, J. P.	Grinnell
Kuehnle, Carl F.	Denison	Lynch, T. F.	Pocahontas
Kuhlemeier, H. F.	Burlington	Lyon, Arthur C.	Grinnell
Lacey, W. B.	Oskaloosa	Lyon, C. W.	Valley Junct.
		Lyon, Geo. T.	Dubuque
		Lyon, Willard H.	Knoxville

McBeth, Robt. B.	Keosauqua	Mattice, M. J.	Webster City
McCall, Edward M.	Nevada	Mattox, L. H.	Shenandoah
McCarthy, Daniel	Ames	Maurer, H. J.	Mechanicsville
McCarthy, Dwight G.	Emmetsburg	Maxwell, Chas. F.	Des Moines
McConlogue, J. H.	Mason City	Maxwell, Thos. L.	Creston
McCoy, Ben	Oskaloosa	Meeker, F. L.	Marshalltown
McCoy, E. H.	Waterloo	Mercer, John M.	Burlington
McCoy, John N.	Oskaloosa	Merner, W. H.	Cedar Falls
McCulla, Walter P.	Cherokee	Mershon, J. E.	Des Moines
McCully, D. C.	Jefferson	Metcalf, C. R.	Sioux City
McDonald, W. J.	Iowa City	Milchrist, William	Sioux City
McDuffie, I. J.	Le Mars	Miles, F. M.	Livermore
McFerren, Rube	Webster City	Miles, Lewis	Corydon
McGill, Arthur C.	Sioux City	Miles, M. J.	Cedar Rapids
McGinnis, V. R.	Leon	Miller, Archer C.	Keokuk
McGrath, J. W.	Eagle Grove	Miller, A. M.	Des Moines
McGreevy, F. J.	Ackley	Miller, B. H.	Anamosa
McHenry, George	Denison	Miller, C. J.	Rock Rapids
McHenry, W. H.	Des Moines	Miller, Jesse A.	Des Moines
McIntosh, V. V.	Shenandoah	Miller, Justus A.	Cherokee
McIntyre, George A.	Shell Rock	Miller, Oliver H.	Des Moines
McKemy, J. S.	Fairfield	Miller, W. E.	Des Moines
McMahon, P. D.	Denison	Milligan, William D.	Guthrie Center
McMahon, S. E.	Algona	Mitchell, J. C.	Ottumwa
McManus, E. W.	Keokuk	Mitchell, M. J.	Fort Dodge
McManus, V. P.	Manson	Mitchell, W. E.	Sidney
McMillan, H. G.	Sioux City	Moffit, John T.	Tipton
McNett, Walter	Ottumwa	Montzheimer, O. H.	Primghar
McNett, Wm.	Ottumwa	Moore, W. F.	Guthrie Center
Mabry, J. C.	Albia	Moore, W. L.	Manilla
Mack, Guy E.	Storm Lake	Morling, Edgar A.	Emmetsburg
Macomber, Chas. S.	Ida Grove	Morris, J. W.	Panora
Magowan, S. N.	Fort Dodge	Morrison, Edmund D.	Washington
Maguire, D. E.	Dubuque	Morrison, Geo.	Washington
Maher, Frank	Fort Dodge	Morse, J. W.	Estherville
Mahoney, T. J.	Boone	Mosher, O.	Walnut
Malcolm, J. O.	Oskaloosa	Mosher, O., Jr.	Walnut
Markley, J. E. E.	Mason City	Mossman, Hugh	Vinton
Marks, R. A.	Sioux City	Mote, G. A.	Marshalltown
Marsh, G. E.	Osage	Mould, David	Sioux City
Martin, H. S.	Le Mars	Mowry, Ross R.	Newton
Martin, LeClair	Cedar Falls	Mueller, Alfred C.	Davenport
Martin, Wesley	Webster City	Mullan, Alfred W.	Waterloo
Mather, C. H.	Tipton	Mullan, C. W.	Waterloo
Matthews, M. C.	Dubuque	Mullan, D. G.	Sioux City

Mullany, John I.	Dubuque	Parker, A. C.	Des Moines
Mulvaney, William	Cherokee	Parker, J. M.	Marshalltown
Munger, Robert H.	Sioux City	Parriah, J. L.	Des Moines
Murphy, C. F.	Elkader	Parriah, R. L.	DeWitt
Murphy, D. D.	Elkader	Parsons, J. M.	Des Moines
Murphy, D. J.	Waukon	Patterson, J. G.	Oakaloosa
Murphy, E. A.	Vinton	Patton, J. H.	Grinnell
Murtagh, J. C.	Waterloo	Peck, J. L. E.	Primghar
Myers, O. P.	Newton	Pendleton, Edmund	Sioux City
		Percival, Leo C.	Winterset
Naglestad, O. T.	Sioux City	Pergler, Chas.	Cresco
Naah, Frank T.	Oakaloosa	Perkins, E. C.	Delhi
Neese, Grover M.	Fort Dodge	Perry, E. D.	Des Moines
Neff, Lewis J.	Walnut	Perry, T. B.	Albia
Neilan, Martin	Sioux City	Petersberger, Isaac	Davenport
Neiman, Carl H.	Des Moines	Peterson, Henry	Council Bluffs
Nelson, P. J.	Dubuque	Phillips, O. C. G.	Oakaloosa
Newberry, B. W.	Strawberry Pt.	Pickett, C. E.	Waterloo
Newby, Miles W.	Ouawa	Pike, R. B.	Sioux City
Newman, J. B.	Cedar Falls	Pitkin, H. W.	Sioux City
Ney, John J.	Iowa City	Pizey, Alfred	Sioux City
Nickle, O. D.	Sioux City	Platt, F. C.	Waterloo
Nichol, R. E.	Ames	Poor, Ben P.	Burlington
Norris, P. G.	Grinnell	Popham, R. G.	Marengo
Norris, W. H.	Manchester	Porter, Claude B.	Centerville
Northup, F. E.	Marshalltown	Porter, John D.	Webster City
Nourse, Clinton L.	Des Moines	Porter, M. D.	Cedar Rapids
		Porterfield, John F.	Shenandoah
O'Brien, E. R.	Oelwein	Powell, Clifford	Council Bluffs
O'Brien, Maxwell	Oakaloosa	Power, John C.	Burlington
O'Brien, R. J.	Independence	Powers, L. W.	Denison
O'Connor, F. A.	New Hampton	Pratt, C. A.	Traer
O'Connor, Maurice	Fort Dodge	Preston, A. L.	Avoca
Odle, M. S.	Des Moines	Preston, Byron W.	Oakaloosa
Oliver, R. A.	Sioux City	Preston, W. A.	Elkader
Olsen, A. P.	Leon	Price, B. J.	Fort Dodge
Olsen, F. B.	Iowa City	Proudfoot, A. V.	Indianola
Ontjes, F. A.	Mason City	Prouty, S. F.	Des Moines
Orvis, C. C.	Oakaloosa	Pryor, J. C., Jr.	Council Bluffs
Otto, J. M.	Iowa City		
Otto, Ralph	Iowa City		
Oxborrow, D. T.	Humboldt	Quarton, Sumner D.	Algona
		Quarton, W. B.	Algona
Page, Sam	Sioux City		
Palas, A. J.	Elkader	Ralston, W. C.	Pocahontas
Palmer, Luke	Burlington	Ramsey, W. H.	Garner

Ramsayer, C. W.	Bloomfield	Sager, R. V.	Sioux City
Randall, Mae J.	Cedar Rapids	Salinger, B. I.	Carroll
Randall, W. S.	Hawarden	Salinger, L. H.	Carroll
Ransier, Charles E.	Waterloo	Sammis, J. U.	Sioux City
Rasmussen, T. M.	Exira	Sampson, A. G.	Davenport
Ratcliff, W. C.	Red Oak	Sampson, E. D.	Des Moines
Rayburn, Will C.	Grinnell	Sargent, A. H.	Cedar Rapids
Read, Ralph L.	Des Moines	Sargent, Fred W.	Sioux City
Redmond, J. M.	Cedar Rapids	Saunders, C. G.	Council Bluffs
Reed, Carl W.	Cresco	Sawyer, Hazen I.	Keokuk
Reed, H. T.	Cresco	Scales, J. H.	Ackley
Reed, U. M.	Brooklyn	Schmidt, F. H.	Sioux City
Reid, F. D.	Oakaloosa	Scholz, Chas. E.	Guttenberg
Reike, Ray E.	Kingsley	Schuets, A. B.	Des Moines
Remley, H. M.	Anamosa	Scott, George C.	Sioux City
Remley, Milton	Iowa City	Scott, Ray P.	Marshalltown
Reynolds, S. V.	Oakaloosa	Sears, M. L.	Sioux City
Rhinehart, B. E.	Anamosa	Seelman, D. H.	Sioux City
Rice, F. H.	Sioux City	Seerley, John J.	Burlington
Rickel, Henry	Cedar Rapids	Seever, G. W.	Oskaloosa
Riepe, Carl C.	Burlington	Seever, Marion B.	Des Moines
Riley, Will F.	Des Moines	Sharon, E. M.	Davenport
Ring, H. C.	Cedar Rapids	Shaw, Albert J.	Pocahontas
Rinker, S. D.	Rock Rapids	Shaw, Don B.	Des Moines
Rinker, C. H.	Anthon	Shepard, H. H.	Mason City
Rinker, Purley	Centerville	Shepard, W. C.	Allison
Rippey, A. G.	Des Moines	Sheriff, H. H.	Oakaloosa
Risk, Loren	Waterloo	Sherwin, J. C.	Mason City
Roach, E. C.	Rock Rapids	Shinn, Frank	Carson
Roadifer, H. H.	Logan	Shipley, John C.	Mason City
Robbins, C. B.	Cedar Rapids	Shull, Delos C.	Sioux City
Roberts, M. A.	Ottumwa	Shull, Delos P.	Sioux City
Roberts, W. J.	Keokuk	Silliman, Kenneth G.	Sioux City
Rockafellow, J. B.	Atlantic	Silwold, Henry	Newton
Roddewig, Louis E.	Davenport	Simmons, E. F.	Fairfield
Roedell, B. P.	Dubuque	Sims, Howard F.	Sioux City
Rogers, J. A.	Clarion	Sims, Jacob	Denison
Roriek, D. D.	Oxford Junction	Skinner, George F.	Clinton
Rossa, J. O'Denovan	Sioux City	Sloan, H. B.	Keosauqua
Royal, Lewis E.	Des Moines	Smith, Clarence H.	Mason City
Rudolph, C. J.	Waterloo	Smith, C. S.	Cedar Rapids
Rule, Duncan	Mason City	Smith, Earl	Mason City
		Smith, Edgar A.	Whiting
Sabin, E. M.	Northwood	Smith, E. G.	Sioux City
Sachs, Jacob	Des Moines	Smith, J. J.	Ottumwa

Smith, M. A.	Independence	Stuart, Hugh	Dubuque
Smith, Milo P.	Cedar Rapids	Sullivan, D. H.	Sioux City
Smith, Paul W.	Waterloo	Sullivan, E. J.	Marengo
Smith, R. J.	Montezuma	Sullivan, Jerry B.	Des Moines
Smith, R. W.	Centerville	Sullivan, John B.	Des Moines
Smith, Walter I.	Council Bluffs	Sullivan, J. W.	Algona
Smyth, Wm.	Cedar Rapids	Sutherland, Chas. R.	Cedar Rapids
Snell, J. J.	Boone	Sutton, L. F.	Clinton
Snyder, Chas. L.	Des Moines	Swanson, Charles E.	Council Bluffs
Snyder, Harry S.	Sioux City	Swasey, Edward H.	Dow City
Snyder, S. B.	Council Bluffs	Sweeney, J. H.	Osage
Soper, Erastus B.	Emmetsburg	Swetting, E. V.	Algona
Spangler, H. E.	Cedar Rapids	Swisher, B. F.	Waterloo
Spaulding, H. L.	Elma		
Springer, Arthur	Wapello	Talbott, Frank	Brooklyn
Springer, W. J.	New Hampton	Talbott, John F.	Brooklyn
Starr, J. P.	Fairfield	Tamisia, Frank	Missouri Valley
Starzinger, Vincent	Des Moines	Tankersley, B. O.	Marshalltown
Stason, E. J.	Sioux City	Taylor, C. H.	Guthrie Center
Steck, D. F.	Ottumwa	Taylor, C. L.	Cedar Rapids
Steele, J. P.	Winterset	Taylor, H. E.	Waukon
Stenteville, N. V.	Sioux City	TePaske, Anthony	Sioux Center
Stevens, J. E.	Boone	Theophilus, Wm.	Davenport
Stevens, J. L.	Boone	Thoma, Leo D.	Fairfield
Stevens, T. S.	Hamburg	Thomas, Geo. W.	Red Oak
Stevens, T. S.	Shenandoah	Thomas, Seth	Fort Dodge
Stevenson, E. C.	Rockwell City	Thomassen, Geo. J.	Pella
Stevenson, O. W.	Fayette	Thompson, Burt J.	Forest City
Stevenson, Thos. F.	Des Moines	Thompson, Frank E.	Burlington
Stewart, A. K.	Des Moines	Thompson, G. D.	Webster City
Stewart, J. D.	Cedar Rapids	Thompson, John L.	Des Moines
Stiger, H. J.	Toledo	Thompson, Lester L.	Valley Junction
Stiles, E. B.	Manchester	Thorne, Clarence M.	Dubuque
Stillman, W. S.	Council Bluffs	Thorne, Clifford	Washington
Stilwill, Charles M.	Sioux City	Thuenen, Henry	Davenport
Stipp, Harley H.	Des Moines	Thurston, Lloyd	Osceola
Stockman, D. T.	Sigourney	Timberman, William	Keokuk
Stowe, H. W.	Fort Dodge	Tinley, Emmet	Council Bluffs
Strauss, Oscar	Des Moines	Titus, G. M.	Muscatine
Striker, W. O.	Aurelia	Tomlinson, Guy J.	Cherokee
Strock, W. C.	Des Moines	Tourtelott, P. W.	Cedar Rapids
Strong, A. C.	Sioux City	Towner, H. M.	Corning
Struble, G. B.	Toledo	Treichler, William E.	Cedar Rapids
Struble, G. T.	Sioux City	Treichler, W. N.	Tipton
Stuart, C. W.	Clarinda	Trewin, J. H.	Cedar Rapids

Trimble, Palmer	Keokuk	White, E. S.	Harlan
True, Geo. C.	Oakaloosa	White, M. M.	Ida Grove
Tucker, E. B.	Columbus Jet.	White, W. W.	Iowa Falls
Tullar, H. E.	Waterloo	Whitmore, Chester W.	Ottumwa
Underhill, C. E.	Onawa	Whitmore, Tom C.	Atlantic
Utterback, Hubert	Des Moines	Wichman, J. E.	Garner
Van Auken, S. G.	Des Moines	Wieben, E. E.	Dysart
Vander Ploeg, W. G.	Knoxville	Wifnat, Harry	Perry
Van der Zee, Jacob	Iowa City	Wilcox, Charles S.	Des Moines
Van Law, C. H.	Marshalltown	Wilcox, Elmer A.	Iowa City
Van Ness, E. J.	Algona	Wilcocksen, K. E.	Sigourney
Van Oosterhout, P. D.	Orange City	Wilcoxon, Wm. M.	Des Moines
Ver Ploeg, C.	Oakaloosa	Willett, J. W.	Tama City
Vollmer, Henry	Davenport	Williams, John E.	Waterloo
Voris, D. E.	Marion	Williamson, Ralph C.	Davenport
Wade, M. J.	Iowa City	Wilson, C. J.	Washington
Wagner, Henry F.	Sigourney	Wilson, E. B.	Jefferson
Wakefield, A. O.	Sioux City	Wilson, Ellis E.	Waterloo
Walker, Henry G.	Iowa City	Wilson, Frank B.	Greenfield
Walker, W. M.	Keosauqua	Wilson, George A.	Des Moines
Wallace, Arthur T.	Des Moines	Wilson, G. M.	Mt. Vernon
Wallace, W. E.	Williamsburg	Wilson, Harold J.	Burlington
Wallingford, J. D.	Des Moines	Wilson, J. M.	Centerville
Walsh, E. C.	Clinton	Wilson, W. M.	Indianola
Walsh, M. A.	Clinton	Winans, G. H.	Fort Dodge
Walters, C. E.	Toledo	Winter, P. C.	Creston
Ward, Geo. W.	Eldora	Wisdom, Frank	Bedford
Waterman, William T.	Davenport	Wissler, E. A.	Carroll
Watson, J. O.	Indianola	Witham, O. W.	Greenfield
Weaver, J. B., Jr.	Des Moines	Withrow, W. S.	Mount Pleasant
Weaver, H. O.	Wapello	Wolfe, P. B.	Clinton
Weaver, S. M.	Iowa Falls	Wolfe, R. B.	DeWitt
Webber, John F.	Ottumwa	Wood, Charles R.	Corwith
Weber, E. C.	Fort Madison	Woodson, George H.	Buxton
Weeks, E. W.	Guthrie Center	Work, W. A.	Ottumwa
Wegerslev, C. H.	Alta	Wright, Craig L.	Sioux City
Welch, Clement J.	Denison	Wright, Craig T.	Des Moines
Welch, R. L.	Knoxville	Wright, R. M.	Fort Dodge
Wells, Merle F.	Davenport	Wright, Sam S.	Cedar Rapids
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